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A
D I G E S T
OF
LEGISLATIVE ENACTMENTS,
RELATING TO THE
SOCIETY OF FRIENDS,
COMMONLY CALLED QUAKERS,
IN ENGLAND;
WITH OCCASIONAL OBSERVATIONS AND NOTES.

BY
JOSEPH DAVIS, CONVEYANCER.

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P R E F A C E.

SINCE the publication of the first Edition of the "Digest," a period of twenty-eight years has elapsed, during which so many important changes have been made by the legislature in some of the laws more especially affecting the Society of Friends, particularly those relative to the Commutation of Tithes into Rent-charges, the mode of recovering demands of an Ecclesiastical nature, the extension of the operation of the Affirmation Act, the repeal of the Test and Corporation Acts, and the consequent admission of Friends to Offices, as well as those relating to Marriage, and the Registration of Births, Marriages, and Deaths, as to render a new Edition needful, and which has been undertaken by the Editor at the request of the "Meeting for Sufferings," a meeting which acts as a standing Committee of the Yearly Meeting for the general concerns of the Society of Friends, and is in fact the executive body of the Society, and the manuscript has been inspected by a committee of that meeting appointed for the purpose, to whom the Editor acknowledges himself indebted for some improvements derived from their suggestions.

in the early times of the Society, frequent and severe not only in the loss of property, but in long and protracted imprisonment terminating, in many instances, only with life. Several laws, enacted in the reign of Charles II. against nonconformists, one of which at least (13 and 14 Charles II. c. 1,) was peculiarly directed against this people, were made the means of their being long harassed and persecuted, and they even suffered by acts that were passed against "Popish Recusants." At the Revolution of 1688 these oppressive proceedings were suspended, principally by means of the Act of Toleration, 1 W. & M. c. 18, and by the act 52 Geo. III. c. 155, several of the statutes alluded to were entirely abrogated; but even then the members of this Society remained liable to prosecution in the Exchequer and Ecclesiastical Courts, when upon a demand being made of them for tithes or other Ecclesiastical payments, as refused, either a disposition inconsistent with the spirit of Toleration, or the want of proper information, led the claimant into the erroneous choice of adopting the more vexatious and expensive, instead of the milder and less chargeable mode of recovery for the legislature had made ample provision, in general, for proceedings in these cases, both less

the act 7 and 8 Will. III. c. 34, which provides, (beyond what its title imports,) for the recovery of "Tithes and Church Rates" from those called Quakers, and by the act 1 Geo. I., Stat. 2, c. 6, by which the provisions in it are made applicable to "all customary payments due to clergymen," both of which acts are to be considered as one law, provision is made for the recovery of all Ecclesiastical demands in a summary way before Justices of the Peace, where the amount shall not exceed £10. (extended by the act of 53 Geo. III. c. 127, to £50.) and the costs are restricted to ten shillings, whereas processes in the Exchequer were, from the great length to which they might have been protracted, exceedingly expensive; and if the prosecutor were ultimately successful, a great part of the sum originally demanded, and sometimes the whole of it, was absorbed in extra costs, which were not allowed to be charged on the defendant. In the case of Markham v. Wormall and others, previously to the imprisonment of the Friends, the plaintiff's costs exceeded his taxed costs £56. 14s. 11d. This sum would have been much increased by the expenses occasioned in procuring the commitment of the Friends, and their conveyance to prison, had not the plaintiff, (under

addition to incidental expenses, would very probably have increased the extra costs of the plaintiff, though ultimately successful, to £100, no small part of demand: which as well as several years delay, might have been avoided, by proceeding before the Judge under 7 and 8 W. & M. c. 34; and in the case of *Wray v. King* and others, the plaintiff's costs of the decree, and the subsequent costs, including those of sequestration and sale, amounted to £182. 19s. which were taxed at £150. 11s. 9d, leaving the costs to be paid by the plaintiff £32. 7s. 9d, so that of £41. 13s. 9d. decreed due to the plaintiff, he was to receive on this account only £9. 6s, exclusive of £3. costs of allowing exceptions; and from information which might be depended upon, it was expected that this sum of £9. 6s. would scarcely prove sufficient to pay other costs incurred by the plaintiff in this cause, not included in the allowance but which he was liable to pay to his solicitor. Thus the plaintiff, in a cause where no unusual proceedings were had, after a delay of upwards of years and a half, though successful, lost nearly not the whole, of his debt in extra costs.

tion of the conscience of the sufferer, or in his imprisonment for life, as well as to the great loss of the prosecutor, since neither the sum claimed, nor the costs, could be obtained by the final judgment of these courts.

Now, however, Friends are almost entirely relieved from these oppressive proceedings by the Acts 5 and 6 Will. IV. c. 74, and 4 and 5 Vict. c. 36, which provide that no suit or other proceeding shall be instituted in any court in England or Ireland for any Ecclesiastical demands under the value of £50, except where the actual title shall be in question, but that all complaints touching the same shall be heard and determined only under the provisions of the acts 7 and 8 Will. III. c. 34, and 53 Geo. III. c. 127; and by the same acts, imprisonment of Friends on account of Ecclesiastical demands, is wholly abolished. Friends are further relieved by the Act 7 and 8 Geo. IV. c. 17, which extends to church rates and tithes, the limitation in the Act 57 Geo. III. c. 93, of the costs of distraint where the amount of demand is under £20, and on a case submitted to Sir Thomas (now Lord) Denman, and Sir James Scarlett, (afterwards Lord Abinger,) they

tress, the demands being of a similar nature, at the aggregate amount not exceeding £50 ; and so further relief is afforded to Friends in common with others, by the commutation of tithes into an actual charge on the land, the recovery of which is simple and inexpensive, being precisely the same as every landlord has for the recovery of rent from his tenants.

In reference to the affirmation, it may be observed that the form of it as now modelled by 3 and 4 Will. IV. c. 49, now stands thus, " I, A. B. being one of the people called Quakers, [or, one of the persons of the people called Quakers, as the case may be] do solemnly, sincerely and truly declare and affirm and by the same act, the form of the affirmation to be taken by Friends instead of the oath of abjuration is given. By 22 Geo. II. c. 46, there was a general enactment that in all cases where by law an oath then was or should be required, the affirmation of any of the people called Quakers, should although no express provision be made for the purpose be allowed and taken instead of such oath, but with the continuance of the exception which occurs in fact, as to criminal cases, serving on juries, or holding any office or place of profit in the Govern-



various Acts relating to frauds, an allowance of it in several *penal* cases, and by 15 Geo. III. c. 39, it was extended to all cases where any penalty was directed to be levied or distress to be made by any Act then in force, or thereafter to be made, for the purpose of levying such penalties, or making such distresses. By the Act 9 Geo. IV. c. 32, the affirmation is made available for the giving of evidence in any case, criminal or civil, and by the Act 3 and 4 Will. IV. c. 49, every person of the persuasion of the people called Quakers, is permitted to make the affirmation instead of taking an oath, in all places and for all purposes where an oath is or shall be required, and that without any exception whatever.

With respect to demands of a military nature, the well known scruples of this Society on the subject of war, (their repugnance to which they believe to be dictated solely by the mild and peaceable principles of the gospel,) with their uniform readiness to submit to the penalties of the law, rather than violate their testimony against bearing arms, have been duly appreciated by the legislature. Dispensing in all cases with the personal service of Quakers, so called, in this way, it has devised the means of their incurring a forfeiture of property, equal to the supposed

disadvantage to the state; and this in a manner in which they are only passively concerned. Besides the acts relating to military service contained in the "Digest," an Act was made, 1 Geo. IV. c. 24, for the more effectual preservation of the peace by enforcing the duties of watching and warding, by which provision was made in case a person, one of the persuasion of the people called Quakers, who should be appointed to watch or to ward, should neglect or refuse to appear, at the time and place appointed, such person should not be liable to any fine, but the justices should hire a substitute and levy the expense on the goods of such person.

It is an interesting subject to trace the history of the progress of intelligence, and of more enlightened views in the relief which has gradually been granted by the Legislature of this country, through a period of a century and a-half, to the Society of Friends, for the removal or alleviation of their peculiar trials and difficulties arising from their conscientious scruples. The present position of the Society, as regards the Laws peculiarly affecting its members, ought to induce feelings of gratitude to the Legislature, and a ready compliance with its laws and institutions, in all cases where conscience is not violated; and the Compiler thinks he cannot better conclude this Preface than by adopting the words of a short address

in a military Act passed in 1803 :

“ The Meeting for Sufferings, in sending forward these extracts and this information, thinks it right to advert to the lenity which on this occasion, as well as on former ones, has been shown to the Society by the Legislature. It is a powerful call on us to continue vigilant in conducting ourselves as dutiful and peaceable subjects, and it is necessary to give great heed that our scruples may be and appear to be, the consequence of a sense of religious duty. In this view, it highly behoves us to take care that our whole conduct be such as becometh the gospel. This will tend to support the mind in difficulty, and awaken thankfulness to the Almighty for the benefits we receive, and also gratitude to those by whose means they are conferred.”

Bristol, Twelfth Month, 1848.



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A DIGEST

OF

LEGISLATIVE ENACTMENTS, &c.

MEETINGS AND MEETING HOUSES.

By an act passed in the 1st year of William and ^{1 W. and M.} Mary, stat. 1, c. 18, intituled, “ An act for exempt- ^{a. 1, c. 18,} ing their Majesties’ Protestant subjects, dissenting ^{several laws} from the Church of England, from the penalties of ^{suspended.} certain laws ;” (*commonly called the Toleration Act*) it is by sect. 2 enacted, that neither the statute made in the three and twentieth year of the reign of the ^{23 Eliz. c. 1,} late Queen Elizabeth, intituled, “ An act to retain ^{repealed.} the Queen’s Majesty’s subjects in their due obedience ;” * nor the statute made in the twenty-ninth ^{29 Eliz. c. 6,} year of the said Queen, intituled, “ An act for the ^{repealed.}

* By 7 and 8 Vict. c. 102, this act is repealed, and also so much and such parts of 29 Eliz. c. 6 ; 1 Eliz. c. 2 ; 3 Jas. I. cc. 4 and 5 ; and 25 Chas. II. c. 2, as contain penal Enactments against Roman Catholics ; and by 9 and 10 Vict. c. 59, the acts of 29 Eliz. c. 6 ; 1 Eliz. c. 2 ; and 3 Jas. I. c. 4, are wholly repealed.

more speedy and due execution of certain branches of the statute made in the three and twentieth year of the Queen's Majesty's reign," (*viz. the aforesaid act*;) nor that branch or clause of a statute made in the first year of the reign of the said Queen, intituled, "An act for the uniformity of Common Prayer and service in the Church, and administration of the Sacraments;" whereby all persons, having no lawful or reasonable excuse to be absent, are required to resort to their Parish Church or Chapel, or some usual place where the Common Prayer shall be used, upon pain of punishment by the censures of the Church, and also upon pain that every person so offending, shall forfeit for every such offence, twelve pence; nor the statute made in the third year of the reign of the late King James I. intituled, "An act for the better discovering and repressing Popish Recusants;" nor that other statute made in the same year, intituled, "An act to prevent and avoid dangers which may grow by Popish Recusants;" nor any other law or statute of this realm, made against Papists or Popish Recusants, except the statute made in the five and twentieth year of King Charles II, intituled, "An act for preventing dangers which may happen from Popish Recusants;" and except also the statute made in the thirtieth year of the said King Charles

1 Eliz. c. 2,
repealed,
vide ante.

3 Jas. I. c. 4,
repealed,
vide ante.

3 Jas. I. c. 5,
partially
repealed,
vide ante.

Exception.

25 Chas. II.
c. 2, partially
repealed,
vide ante.

30 Chas. II. st.
2, partially
repealed.

II, intituled, “ An act for the more effectual preserving the King’s person and government, by disabling Papists from sitting in either House of Parliament,”* shall be construed to extend to any person or persons dissenting from the Church of England, that shall take the oaths mentioned in a statute made this present Parliament, intituled, “ An act for removing and preventing all questions ^{1 W. and M. c. 1.} and disputes concerning the assembling and sitting of this present Parliament ;” and shall make and subscribe the declaration mentioned in a statute made in the thirtieth year of the reign of King Charles II, intituled, “ An act to prevent Papists ^{30 Chas. II. st 2, partially repealed.} from sitting in either House of Parliament ;” which oaths and declarations the justices of peace, at the general sessions of the peace, to be held for the county or place where such person shall live, are hereby required to tender and administer to such persons as shall offer themselves to take, make, and ^{Taking the declaration to be registered.} subscribe the same ; and thereof to keep a register : and likewise none of the persons aforesaid, shall give or pay, as any fee or reward, to any officer or officers belonging to the court aforesaid, Above the sum of sixpence, nor that more than once, for his Fee.

* By 9 and 10 Vict. c. 59, so much of this act as relates to the penalties on Popish Recusants for coming into the King’s or Queen’s presence is repealed.

of the same, to be made out and
officer or officers of the said court.

Sect. 4. All and every person and
shall as aforesaid, take the said oath
and subscribe the declaration aforesaid
liable to any pains, penalties, or for-
feitures mentioned in an act made in the fifth
year of the reign of the late Queen Elizabeth
the first, intituled, "An act to retain the Queen's Majesty
their due obedience;"* nor in any act made
in the second and twentieth year of the reign
of King Charles II. intituled, "An act to
suppress seditious conventicles;" nor shall
any person be prosecuted in any
Court, for or by reason of their non-
conformity to the Church of England.

35 Eliz. c. 1,
repealed.

22 Chas. II.
c. 1.

repealed vid.
post.
Ecclesiastical
Court.

Private Meet-
ings excluded. Sect. 5. If any assembly of persons
shall be held in any place, other than a church or
place for religious worship, with the doors
barred, or bolted, during any time of the
meeting, all and every person or persons

* By 7 and 8 Vict. c. 102, this act is repealed.



come to or be at such meeting, shall not receive any benefit from this law, but be liable to all the pains and penalties of all the aforesaid laws recited in this act, for such their meeting, notwithstanding his taking the oaths, and his making and subscribing the declaration aforesaid.*

* Under this clause it may not be improper to notice a case, *Finch v. Batger* and others, tried at Guildhall, London, before Macdonald, C. B. which establishes the right of Friends to hold their meetings of discipline select, to the exclusion of all who are not members of the Society; a distinction being made between meetings for religious worship and those for discipline; inasmuch as those for discipline having for their object the church government of the Society, are not considered as meetings for religious worship, notwithstanding there may be occasionally praying and preaching in the same.

Finch had been disowned by a Monthly Meeting in the year 1797, and submitted to the judgment, without appeal. In the Twelfth Month 1803, he attended the meeting for worship at Devonshire House previous to the Quarterly Meeting, and remained in the house after the meeting for worship was concluded: he was repeatedly requested to withdraw, which he positively refused, and the Quarterly Meeting to avoid having recourse to violence, opened the meeting, and adjourned to the 16th of the ensuing month. Finch repeatedly applied for admission into the adjourned meeting, and being refused, attempted to force his way, in which he was resisted, and in one or two instances taken hold of by the coat; and on the 27th of Third Month 1804, he again applied for admittance into the Quarterly Meeting, but was refused; whereupon, in Easter Term, 1804, he brought an action in the Exchequer of Pleas, against Batger and others, for an assault and false imprisonment, and for preventing him from entering into a building then open for religious worship being had therein.

The defendants, by their plea in Trinity Term, denied the trespass, and alleged that in the said building, meetings were held sometimes for worship, and at other times for discipline; and that at the time aforesaid, the defendants with other persons being members of the Society, assembled for holding a meeting for discipline, and seeing the plaintiff endeavouring to enter, he not being a member, did request him to desist, but he persisting, they laid their hands upon him, and prevented him. To which the plaintiff in Hilary Term, 1805, by his replication replied, that at the time mentioned the building was open

Penalty for
refusal.

said oaths or declaration of fidelity mentioned, in case such person scruples oath; and upon refusal thereof, such peace is hereby required to commit prison, without bail or mainprize, and name of such person to the next general sessions of the peace, to be held for the town, part, or division, where such person

for religious worship; upon which issue was joined in dispute was reduced to the question, whether the times mentioned were open for religious worship.

On the 23rd of Second Month 1805, the cause came on for trial. The Chief Baron in the first instance proposed a reference, which was not agreed to on the part of the defendants: after which had been stated, the Chief Baron observed, "the question was, whether the primary object on that day, not what the building was used to take this meeting to be entirely for the purpose of church and if so, it is a place of business at that time, though interspersed with acts of worship." After three of the plaintiffs had been examined, the C. B. observed to Sergeant (plaintiff's leading counsel,) "Brother Williams, I think you are desperate,—your own witnesses have proved you out." Sergeant replied, "My Lord, I could call more witnesses to call all the Quakers in London, I cannot alter the fact," replied the Baron, "you have done every thing," and then directed the plaintiff to be called: being called, he stated that the object of the meeting was proved by the plainness of the building to be temporal business, and that the building question, was not open for religious worship.

The plaintiff was accordingly nonsuited.

MS. Report in possession of the Meeting for Sufferings.



sides ; and if such person so committed, shall upon a second tender, at a general or quarter sessions, refuse to make and subscribe the declaration aforesaid, such person refusing shall be then and there recorded, and he shall be taken thenceforth to all intents and purposes, for a Popish Recusant convict, and suffer accordingly, and incur all the penalties and forfeitures of all the aforesaid laws.

Sect. 13. Persons, Dissenters from the Church of England, who scruple the taking any oath, shall make and subscribe the aforesaid declaration* and also the declaration of fidelity following :—

Friends how exempt.

* The declaration referred to is contained in the before-mentioned act 30 Charles II. and is as follows :

" I, A. B. do solemnly and sincerely in the presence of God, profess, testify, and declare, that I do believe, that in the Sacrament of the Lord's Supper, there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof by any person whatsoever, and that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass, as they are now used in the Church of Rome, are superstitious and idolatrous. And I do solemnly in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by English Protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the Pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any other person or persons, or power whatsoever, should dispense with or annul the same, or declare that it was null and void from the beginning."

*and it now stands as fixed by the 8
Oaths.*

And shall subscribe a profession of
belief in these words:

I, A. B. profess faith in God the
in Jesus Christ his Eternal Son,
and in the Holy Spirit, one God be-
more; and do acknowledge the Holy
the Old and New Testament to be
inspiration.

Which declarations and subscription
and entered of record, at the general court
of the peace for the county, city, or
every such person shall then reside
such person that shall make and sub-
declarations and profession aforesaid,
unto required, shall be exempted from
and penalties of all and every the
statutes made against Popish Recus-
testant Nonconformists; and also from
of an act made in the fifth year of the
late Queen Elizabeth, intituled "An
assurance of the Queen's royal power o

5 Eliz. c. 1,
repealed.



and subjects within her dominions,"* for or by reason of such persons not taking or refusing to take the oath mentioned in the said act; and also from the penalties of an act made in the thirteenth and ^{13 & 14 Chas. II. c. 1,} fourteenth years of the reign of King Charles II., intituled, "An act for preventing mischiefs that may ^{repealed *vid. post.*} arise by certain persons called Quakers refusing to take lawful oaths;" and enjoy all other the benefits, privileges, and advantages, under the like limitations, provisoes, and conditions, which any other dissenters shall or ought to enjoy by virtue of this act.†

Sect. 14. In case any person shall refuse to take ^{How purged after refusing to take the oaths.} the said oaths when tendered to them, which every justice of the peace is hereby empowered to do, such person shall not be admitted to make and subscribe the two declarations aforesaid, though required there-

* By 7 and 8 Vict. c. 102, so much of this act as rendered any person violating its provisions liable to treason, or the statute of præmunire is repealed; and by 9 and 10 Vict. c. 59, this act is wholly repealed.

† By the Indemnity Acts, which are now passed annually almost as a matter of course, all persons who ought to have taken certain oaths and subscribed certain declarations required by various acts, and amongst which is mentioned the 8 Geo. I. c. 6, and which refers to 1 W. & M. c. 18, but who have neglected or omitted so to do, are indemnified against all penalties, forfeitures, incapacities, and disabilities incurred by such neglect or omission, by taking the said oaths and subscribing the said declarations on or before a particular day therein mentioned, and before which day the next Indemnity Act is generally passed.

viction of Popish Recusancy as aforesaid, person can within thirty-one days after the declarations to him, produce Protestant witnesses, to testify upon oath, to believe him to be a Protestant Dissenter; and shall certify under the hands of four Protestants conformable to the Church of England, that he has taken the oaths and subscribed the declarations above-mentioned; and shall also produce a certificate under the hands and seals of six sufficient men, of the congregation to which he belongs, owning him for one of them.

Sect. 15. Until such certificate, under the hands of six of his congregation, as aforesaid, and two Protestant witnesses come to him, being a Protestant Dissenter; or a certificate under the hands of four Protestants, as aforesaid, is produced, the justice of the peace shall, as required, take a recognizance with two sureties, to the penal sum of fifty pounds, to be paid in goods and chattels, lands and tenement, of the King and Queen's Majesties, the successors, for his producing the same; and if he cannot give such security, to commit him



there to remain, until he has produced such certificates, or two witnesses as aforesaid.

Sect. 16. All the laws made and provided for ^{Laws for Divine Service in force.} the frequenting Divine Service on the Lord's Day, commonly called Sunday, shall be still in force, and executed against all persons that offend against the said laws, except such persons come to some congregation or assembly of religious worship, allowed or permitted by this act.

Sect. 18. If any person or persons, at any time ^{Disturbers how punished.} or times, after the 10th day of June, do and shall willingly, and of purpose, maliciously or contemptuously, come into any cathedral or parish church, chapel or other congregation, permitted by this act, and disquiet or disturb the same, or misuse any preacher or teacher; such person or persons, upon proof thereof, before any justice of the peace, by two or more sufficient witnesses, shall find two sureties to be bound by recognizance, in the penal sum of fifty pounds; and in default of such sureties, shall be committed to prison, there to remain till the next general or quarter sessions; and upon conviction of the said offence, at the said general or quarter sessions, shall suffer the pain and penalty of twenty pounds, to the use of the King and Queen's Majesties, their heirs and successors.

act, until the place of such meeting shall
to the Bishop of the Diocese, or to the
of that Archdeaconry, or to the justices o
at the general or quarter sessions of the
the county, city, or place, in which su
shall be held, and registered in the sa
or Archdeacon's Court, respectively. or
the said general or quarter sessions ; the
clerk of the peace whereof respectively
required to register the same, and to
tificate thereof to such person as shall c
Fee. same, for which there shall be none gre
reward taken than the sum of sixpence.

10 Ann, c. 2. By 10 Ann, c. 2, intituled, "An e
Toleration confirmed. serving the Protestant religion by bett
the Church of England, as by law establ
for confirming the toleration granted to
Dissenters by an act intituled, "An act
ing their Majesties' Protestant subjects,
from the Church of England, from the
certain laws," and for supplying the defe
and for the further securing the Protes
sion, by requiring the practisers of the la
Britain to take the oaths, and subscribe t
tion therein mentioned," It is by Sect.

that the toleration granted to Protestant Dissenters by 1 William and Mary, shall be, and is thereby Ante p. 1. ratified and confirmed, and that the same act shall at all times be inviolably observed, for the exempting of such Protestant Dissenters as are thereby intended from the pains and penalties therein mentioned.

Sect. 8. And for rendering the said act more Benefit of
1 W. & M.
extended. effectual, according to the true intent and meaning thereof, it is further enacted and declared that if any person dissenting from the Church of England (not in holy orders, or pretended holy orders, or pretending to holy orders, or any preacher or teacher of any congregation) who should have been intitled to the benefit of the said act, if such person had duly taken, made, and subscribed the oaths and declaration, or otherwise qualified him or herself, as required by the said act, and then was or shall be prosecuted upon or by virtue of any of the penal statutes, from which Protestant dissenters are exempted by the said act, shall at any time during such prosecution, take, make, and subscribe the said oaths and declaration, or being of the people called Quakers, shall make and subscribe the aforesaid declaration, and also the declaration of fidelity, and subscribe the profession of their Christian belief according to the said act, or before any two of her

benefit of the said act, as fully and
if such person had duly qualified him
the time prescribed by the said act, and
thenceforth exempted and discharged from
penalties and forfeitures incurred by him
the aforesaid penal statutes.

52 Geo. III.
c. 155.
Certain acts
repealed.

By 52 Geo. III. c. 155, intituled, "to
repeal certain acts, and amend other acts
relating to religious worship and assemblies and
teaching or preaching therein," It is enacted
an act of Parliament made in the session

13 & 14 Chas.
II. c. 1.

ment held in the 13th and 14th years
of his late Majesty King Charles II. intituled, "for
preventing the mischiefs and dangers that
arise by certain persons called Quakers, and
refusing to take lawful oaths;" and another act of

17 Chas. II.
c. 2.

Parliament, made in the 17th year of the
reign of his late Majesty King Charles II. intituled
"an act for restraining nonconformists from
acting in Corporations;" and another act of

22 Chas. II.
c. 1.

Parliament made in the 22nd year of the reign of the
said late Majesty King Charles II. intituled, "An act to prevent



press seditious Conventicles," shall be, and the same are thereby repealed.

And by Sect. 14, it is provided and enacted, that Exemption. nothing in this act contained, shall extend or be construed to extend to the people usually called Quakers, nor to any meetings or assemblies for religious worship held or convened by such persons; or in any manner to alter or repeal, or affect any act, other than and except the acts passed in the reign of King Charles II. hereinbefore repealed, relating to the people called Quakers, or relating to any assemblies or meetings for religious worship held by them.*

In 57 Geo. III. c. 19, intituled, "An act for the 57 Geo. III. c. 19. more effectually preventing seditious meetings and Seditious meetings.

* It is to be remarked that as the law now stands, according to the opinion of eminent counsel, Friends are not liable to any fine or other penalty for convening or holding meetings for worship in places not registered; and that no danger needs be apprehended by any persons, not members of the Society of Friends, who may attend such meetings.

It is also the united opinion of the counsel whose advice has been taken, that no penalty attaches to the owner or occupier of the house or other building in which any such meeting may be held.

In case of any outrage committed on the persons assembled at any such meeting, or any wilful injury to the building, there is no doubt but the law affords a remedy.

Notwithstanding the above, it is considered proper that care should continue to be taken to register the usual and accustomed places for public worship belonging to the Society of Friends, as required by the Toleration Act, 1 W. and M. st. 1, c. 18, sect. 19. See page 12.

formed or assembled for purposes of charitable nature only, and in whatever matter or business whatsoever shall or discussed.

39 Geo. III.
c. 79.

And, by Sect. 27, after reciting of the thirty-ninth year of the then intituled, "An act for the more effect of societies established for seditious purposes; and for better preventing and seditious practices," it is amongst enacted, "that every society which composed of different divisions or branches of different parts acting in any manner distinct from each other, or of which have any separate or distinct president, treasurer, delegate, or other officer appointed by or for such part, or to act for such part, shall be deemed and unlawful combinations and confederations." It is further enacted that the said enactment shall not or be construed to extend, to any meeting of the people commonly called Quakers.

Exemption.



meeting or society formed or assembled for purposes of a religious or charitable nature only, and in which no other matter or business whatsoever shall be treated of or discussed.

By 9 and 10 Vict. c. 59, intituled, "An act to ^{9 & 10 Vict. c. 59.} relieve her Majesty's subjects from certain penalties ^{Disturbing religious assemblies.} and disabilities in regard to religious opinions," it is by Sect. 4 enacted, That from and after the commencement of this act, all laws now in force against the wilfully and maliciously, or contemptuously disturbing or disturbing any meeting, assembly, or congregation of persons assembled for religious worship, permitted or authorized by any former act or acts of Parliament, or the disturbing, molesting, or misusing any preacher, teacher, or person officiating in such meeting, assembly or congregation, or any person or persons there assembled, shall apply respectively to all meetings, assemblies, or congregations whatsoever, of persons lawfully assembled for religious worship, and the preachers, teachers, or persons officiating at such last mentioned meetings, assemblies, or congregations, and the persons there assembled.

By 3 Geo. IV, c. 126, intituled "An act to amend ^{3 Geo. IV. c. 126.} the general laws now in being, for regulating turn-

parliament, on any turnpike road, person or persons going to or returning to their proper parochial church or from any other person or persons going from his, her, or their usual place of worship, tolerated by law on Sunday on which divine service is by authority to be celebrated; or of or from any inhabitant of any parish, township, or place, going from attending the funeral of any person who shall die and be buried in the parish, township, or place in which any turnpike road shall lie.

Extent of exemption from tolls.

Sect. 33 enacts, That so much of the Statute in that behalf made directs that no toll shall be demanded of any person or persons going to or returning to their proper parochial church or from any other person or persons returning from his, her, or their usual place of worship tolerated by law, on any day on which divine service is by authority to be celebrated, shall be construed to extend, so as to ex



person or persons from the payment of toll at any turnpike gate or gates, situate within the distance of five miles of the Royal Exchange in the City of London, or within the distance of five miles of Westminster Hall in the City and Liberties of Westminster.

By 3 and 4 Will. IV, c. 30, intituled, "An act to ^{3 & 4 Will. IV. c. 30.} exempt from poor and church rates, all churches, chapels, and other places of religious worship," it is enacted, That from and after the first day of October, 1833, no person or persons shall be rated, or shall be liable to be rated, or to pay to any church or poor rates or cesses, for or in respect of any churches, district churches, chapels, meeting houses, or premises, or such part thereof as shall be exclusively appropriated to public religious worship, and which, (other than churches, district churches, and episcopal chapels of the established church,) shall be duly certified for the performance of such religious worship, according to the provision of any act or acts now in force: Provided always, ^{Proviso.} that no person or persons shall be hereby exempted from any such rates or cesses, for or in respect of any parts of such churches, district churches, chapels, meeting houses, or other premises which are not so exclusively appropriated, and from which

No persons
liable to be
rated for
places exclu-
sively appro-
priated to reli-
gious worship.

persons shall receive any rent or rents
profit or advantage.

Persons not
liable because
part of pre-
mises used for
schools.

Sect. 2 enacts, That no person or
be liable to any such rates or cesses
said churches, district churches, chapels,
houses, or other premises, or any
belonging thereto, or any part thereof,
for Sunday or Infant Schools, or for
education of the poor.

7 & 8 Vict.
c. 45,
Regulating
suits relating
to meeting
houses, &c.

1 W. & M.
Sess. 1, c. 18.
19 Geo. III.
c. 44.
53 Geo. III.
c. 160.
6 Geo. I. (I.)
57 Geo. III.
c. 70.

By 7 and 8 Vict. c. 45, intituled "A
regulation of suits relating to meeting
other property held for religious purposes
dissenting from the united Church of
Ireland," After reciting 1 Wm. and
c. 18 ; 19 Geo. III., c. 44 ; 53 Geo.
6 Geo. I. (Ireland,) and 57 Geo. III.
reciting that prior to the passing of the
acts respectively, as well as subsequent
certain meeting houses for the worship
Sunday or day schools, (not being grammar
and other charitable foundations, were
used in England and Wales and Ireland
tively, for purposes beneficial to persons
ing from the Church of England and

of Ireland, and the united Church of England and Ireland respectively, which were unlawful prior to the passing of those acts respectively, but which by those acts respectively were made no longer unlawful, it is enacted, That with respect to the meeting houses, schools, and other charitable foundations so founded or used as aforesaid, and the persons holding or enjoying the benefit thereof respectively, such acts, and all deeds or documents relating to such charitable foundations, shall be construed as if the said acts had been in force respectively at the respective times of founding or using such meeting houses, schools, and other charitable foundations as aforesaid.

Recited acts as well as deeds, &c. to be construed as if the acts had been in force at the time of the foundation of such meeting houses, &c.

Sect. 2 enacts, That so far as no particular religious doctrines or opinions, or mode of regulating worship, shall on the face of the will, deed, or other instrument, declaring the trusts of any meeting house for the worship of God, by persons dissenting as aforesaid, either in express terms, or by reference to some book, or other document, as containing such doctrines or opinions, or mode of regulating worship, be required to be taught or observed, or be forbidden to be taught or observed therein, the usage for twenty-five years immediately preceding any suit relating to such meeting house

The religious doctrines or opinions for the preaching or promotion of which the meeting house may be held, to be collected from 25 years usage where not expressly stated in the Deed of Trust.

Proviso.

taken as conclusive evidence that doctrines, or opinions, or mode, a period been taught or observed in house, may properly be taught or meeting house, and the right or congregation to hold such meeting with any burial ground, Sunday, or minister's house attached thereto, for the benefit of such congregation minister or other officer of such church of the widow of any such minister, called in question on account of the opinions, or mode of worship so taught in such meeting house : Provided nevertheless where any such minister's house, as aforesaid, shall be given or created by deed or other instrument, which shall express terms, or by such reference to the particular religious doctrines or opinions the promotion of which such minister's house or fund is intended, then, and in every such minister's house, school or fund applied to the promoting of the doctrine so specified, any usage of the congregation contrary notwithstanding.

Sect. 3 provides, That the act shall not affect any judgment, &c. already pronounced by a court of law or equity, but that in suits pending, the court may give the defendants the benefit of the act.

Under the Head "Charities," *post*, will be found the act 9 Geo. II. c. 36, (*commonly, though inaccurately, called the Mortmain Act,*) and the remedial act 9 Geo. IV. c. 85, passed for perfecting titles in cases where the provisions of the Mortmain Act had not been complied with. And it is to be especially observed, that the remedial act has only a retrospective operation, and that the provisions and formalities required by the 9 Geo. II. c. 36, must in future be strictly complied with.

The purchase or acquisition of meeting houses and burial grounds, or of land for either of those purposes, as well as of premises held for objects more strictly charitable, comes within the purview of the Mortmain Act.

OATHS AND AFFIRMATION.

7 Jaa. I. c. 6. BY 7 James I. c. 6, Sect. 2,* It is enacted, that every person above the age of eighteen years, shall take the oath of allegiance set forth in 3 James I. c. 4. (*repealed vide ante p. 1 note.*)

Every person above 18 to take oath of allegiance.

Justices may require persons to take the oath.

On refusal, persons may be committed till next assizes, and then on refusing, to incur the penalties of præmunire.

Sect. 26. It shall be lawful for any two justices of the peace (whereof one of the quorum) to require any person of the age of eighteen years, under the degree of a Baron or Baroness, to take the oath; and if any person of the age of eighteen years shall refuse to take the oath duly tendered, the persons authorized may commit the offender to the common gaol until the next assizes or quarter sessions, where the oath shall be again required; and if the person shall refuse to take the oath, every person so refusing, shall incur the penalty of præmunire,† except women covert, who shall be committed only to prison, till they take the oath.

* So much of this act as relates to Recusants, or to the penalties of Recusancy, is repealed by 7 and 8 Vict. c. 102; and by 9 and 10 Vict. c. 59, 7 Jaa. I. c. 6, is wholly repealed.

† Præmunire; so called from the words of the writ preparatory to the prosecution thereof; the penalties whereof are, that the persons incurring the same, shall be put out of the King's protection, and their lands and goods forfeited to the King, and they shall be attached by their bodies, and brought before the King and his Council to answer, or process shall be made against them by præmunire facias.

Sect. 27. Every person refusing to take the oath, shall be disabled to execute any public place of judicature, or to bear any other office (being no office of inheritance or ministerial function) within England, or to the practice of the law, or physic or surgery, or the art of an apothecary, or any liberal science for gain, until he shall receive the oath.

Persons refusing, incapable of any office.

By 1 W. and M. st. 1, c. 8, intituled, "An act for abrogating the oaths of supremacy and allegiance, and appointing other oaths,"* Sect. 2, The oath of supremacy required by 1 Eliz. c. 1, and the oath of allegiance required by 3 James I. c. 4, and 7 James I. c. 6, are repealed.

1 W. and M. st. 1, c. 8. Repeal of certain oaths.

Sect. 3. The oaths and declaration appointed by this act shall be taken and subscribed by such persons as were required to take the said abrogated oaths of supremacy and allegiance.

Other oaths required to be taken.

Sect. 4. And all and every person and persons shall take the said oaths, and make, repeat, and subscribe the said declaration, before such person

Before whom oaths, &c. to be taken.

* So much of this act as renders liable any person or persons who shall refuse to take the oaths therein mentioned, or either of them, to imprisonment, fine, and disability to hold any office, civil or military, is repealed by 7 and 8 Vict. c. 102; and by 9 and 10 Vict. c. 59, other parts of 1 Eliz. c. 1, are repealed, and 3 Jas. I. c. 4. is wholly repealed.

or persons are thereby required to tender the same accordingly.

Persons in
office to take
the oaths.

Sect. 5. All persons that shall here-
mitted into any office or employment,
or civil, or come into any capacity, i
by reason whereof, they should have
by any statute to take the said abrog
either of them, shall take the oath
pointed, in such manner, at such time
persons, and in such places, as they sh
to have taken the said former oaths
them, in case the same had not be
And that every person who shall neg
to take the same, shall incur and be
same penalties, forfeitures, disabilities,
ties, as by any such statute was appoi

Penalty for
neglect.

Persons refus-
ing to take
the oaths
upon tender,
to be com-
mitted.

Sect. 9. If any person or persons
take the said oaths, or either of th
dered to him or them by any pe
authorized to administer or tender
person or persons so tendering the
either of them, shall commit the sa

persons so refusing, to the common gaol or house of correction, there to remain, without bail or mainprize, for the space of three months, unless such offender shall pay down to the said person or persons so tendering the said oaths, or either of them, such sum of money, not exceeding forty shillings, as the said person or persons so tendering the said oaths, or either of them, shall require such offender to pay; which monies shall be paid to the churchwardens or overseers of the poor, for the relief of the poor of the parish or place where such offender did last inhabit; and if at the end of three months ^{Second refusal.} after such refusal, the person or persons so refusing, shall again refuse to take the said oaths, or either of them, when lawfully tendered to him or them, the person or persons so tendering the said oaths, or either of them, shall commit the said person and persons so refusing, to the common gaol or house of correction, there to remain for the space of six months, unless every such offender shall pay down to the person or persons so tendering the said oaths, or either of them, such sum of money, not exceeding ten pounds, nor under five pounds, as the said person or persons so tendering the said oaths, or either of them, shall require such offender to pay; the said money to be disposed of in manner aforesaid: And unless every such offender shall

appear at the next assizes or general
to be holden for the county, liberty, or
such offender shall then inhabit or resi
assizes or gaol delivery the said oaths
tendered to every such offender by th
assizes or gaol delivery, in their op

Third refusal. gaol delivery: And if the said offend
to take the said oaths, or either of
tendered by the justices of assizes or
then every person and persons so refu
and are hereby adjudged incapable of a
or military, within this kingdom, and
be and remain bound to good beha
or they do take the said oaths. An

Penalty for
refusing
declaration.

such person or persons shall refuse
and subscribe the declaration* men
statute made in the 30 Chas. II. su
persons shall suffer all pains, penalt
and disabilities, as a Popish Recusar
be taken and deemed a Popish Recus
all intents and purposes whatsoever.

*Other oaths are appointed by
instead of those appointed by this act.*

* See page 7, note.

By 1 W. and M., c. 18, intituled, "An act for 1 W. & M.
 exempting their Majesties' Protestant subjects dis- c. 18, Parish
 senting from the Church of England, from the officers scrup-
 penalties of certain laws," Sect. 7, It is enacted, pling oaths,
 that if any person dissenting from the Church of allowed to act
 England, shall hereafter be chosen or otherwise by deputy.
 appointed, to bear the office of high constable or
 petit constable, churchwarden, overseer of the poor,
 or any other parochial or ward office, and such
 person shall scruple to take upon him any of the
 said offices in regard of the oaths, or any other
 matter or thing required by the law to be taken or
 done in respect of such office, every such person
 shall and may execute such office or employment by
 a sufficient deputy, by him to be provided, that
 shall comply with the laws on this behalf. Pro-
 vided always, the said deputy be allowed and
 approved by such person or persons, in such manner
 as such officer or officers respectively should by law
 have been allowed and approved.

By 7 and 8 Will. III. c. 24, intituled, "An act 7 & 8 Will.
 requiring the practisers of law to take the oaths, and III. c. 24.
 subscribe the declaration therein mentioned," It is Persons prac-
 enacted, that if any person shall act as serjeant at tising law not
 law, counsellor, barrister, advocate, attorney, soli- taking oaths,
 citor, proctor, clerk, or notary, by practising in any &c. liable to
 penalties.

manner as such in any
time of such acting taken in
Bench, or quarter sessions of the court
lives, the oaths mentioned in 1 W. and M. c. 8, and
made and subscribed the declaration* appointed
25 Chas. II. intituled, An act for preventing dan
which may happen from Popish Recusants," suc
sons shall incur all the pains, penalties, and fo
mentioned in the statute of Præmunire, 16

7 & 8 Will.
III. c. 27.

Persons re-
fusing to take
oaths, liable to
penalties on
Popish Recu-
sants.

By 7 and 8 Will. III. c. 27, intituled
for the better security of his Majesty's
and Government;" Sect. 1, It is enacted
person and persons who shall refuse
oaths when tendered by persons lawfully
or shall refuse or neglect to appear wh
summoned in order to have the oaths
him or them, shall until he or they have
the said oaths be liable to incur, forfeit
suffer, all and every the penalties, forfeit
of money, disabilities, and incapacities, wh
laws of the realm are or were inflicted up
Recusants, duly convicted of Recusancy.

* The following is the form of this declaration :—
"I, A. B. do declare, that I do believe, that there is not
stantiation in the Sacrament of the Lord's Supper, or in the
bread and wine, at or after the consecration thereof by
whosoever."

persons so tendering the oaths shall upon every such refusal or default of appearance, record the christian and surnames, and the place of abode of the person or persons so refusing or not appearing, with the time of such tender and refusal, or default of appearance, and shall deliver and certify the said record or entry to the justices of assize, justices of Oyer and Terminer or gaol delivery, at their next session, who shall forthwith certify the same into his Majesty's Court of Exchequer.

Names of persons refusing to be entered of record.

Sect. 12. Provided always that such of the Dissenters from the Church of England, called Quakers, who scruple the taking any oath, as shall make and subscribe the declaration of fidelity mentioned in 1 W. and M. and shall produce such witnesses and certificates as are by the said act required, proving themselves to be of the said people called Quakers, and shall also own King William to be rightful and lawful King of these realms, shall and are hereby exempted from the penalties and forfeitures provided by this act for such as shall refuse to take the oaths.

Friends may subscribe Declaration of Fidelity.

Ante p. 7.

Sect. 19. And it is further enacted that no person who shall refuse to take the oaths, or being Quakers shall refuse to subscribe the declaration of fidelity (which oaths and subscription respectively

Persons refusing to take oaths, &c., to have no vote in election of members of Parliament.

to give any vote for the election of an
burgess, or baron, to serve in Parlia

7 & 8 Will.
III. c. 34.

By 7 and 8 Will. III. c. 34, int
that the solemn affirmation and de
people called Quakers, shall be acc
an oath in the usual form ;" Sect. 1
that divers Dissenters, commonly
refusing to take an oath in courts
other places, are frequently impriso
estates sequestered, by process of c
out of such courts, to the ruin of
families : For remedy thereof it w
every Quaker within the Kingdo
Dominion of Wales, or Town of
Tweed, who shall be required up
occasion to take an oath in any case,
oath is required, shall, instead of th
permitted to make his or her solemn
declaration, in the words therein follo

Friends, in-
stead of oath,
to make affir-
mation.

*The form is altered by 8 Geo. I
subsequently by 3 and 4 Will. IV. c*



Sect. 2. Which said solemn affirmation or declaration shall be adjudged and taken, and is thereby enacted and declared to be of the same force and effect, to all intents and purposes, in all courts of justice, and other places, where by law an oath is required within the Kingdom of England, Dominion of Wales, or Town of Berwick-upon-Tweed, as if such Quaker had taken an oath in the usual form.

Which is to be of the same force in law as an oath.

Sect. 3. And it is further enacted, that if any Quaker, making such solemn affirmation or declaration, shall be lawfully convicted, wilfully, falsely, and corruptly to have affirmed or declared any matter or thing, which, if the same had been in the usual form, would have amounted to wilful and corrupt perjury; every such Quaker so offending, shall incur the same penalties and forfeitures, as by the laws and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury.

Penalty on false affirmation.

Sect. 6. Provided, and it is enacted, that no Quaker or reputed Quaker, shall by virtue of this act be qualified or permitted to give evidence in any criminal causes, or serve on any juries, or bear any office or place of profit in the Government; any thing herein contained to the contrary in any wise notwithstanding.

Friends not to be evidence in criminal causes. Repealed by subsequent statutes.

6 Ann, c. 14.

Justices may
summon
before them
disaffected
persons, and
tender them
the oath.

By 6 Ann, c. 14, intituled, “ An
security of her Majesty’s person
Sect. 7, It is enacted, that it shall a
for any two justices of the peace
them to be of the quorum, wit
counties, ridings, divisions, stew
boroughs within the Kingdom of
any other person or persons who
purpose specially appointed, at any
summon and convene before them
within the limits of their respect
powers and authorities, as they sha
to be dangerous or disaffected to
and shall and may tender to ev
and persons the oath therein abov
appointed, (*viz.*, the oath of *Abji*
altered by subsequent statutes, vide p
the next quarter sessions of the pea
the county or place in which the s
tendered, certify the christian name



and places of abode, of all persons refusing to take the said oath, to be there recorded, and shall be from thence certified by the clerk of the peace of such county, riding, liberty, borough, town corporate, or place, within England, into the Court of Chancery or Queen's Bench at Westminster, and by the clerk of the peace of every shire, stewartry, borough, or place, in Scotland, into the Court of Session, there to be recorded in the register or rolls of the said respective courts; and if the person so refusing and certified shall not, within the next term or session after such refusal, appear in the Court of Chancery, Queen's Bench, or Session, where such certificate shall be returned, and in open court audibly and solemnly take and subscribe the oath aforesaid, and endorse or enter his so doing upon the certificate so returned, shall be from such the time of his neglect or refusal, taken, esteemed and adjudged a Popish recusant convict, and as such shall forfeit and undergo such penalties as a Popish recusant convict ought to do by the laws in England.

By 6 Ann, c. 23, it is enacted, Sect. 13, that every person who shall refuse to take the oath last thereinbefore recited, (*viz. the oath of Abjuration*) or being a Quaker, shall refuse to declare the effect thereof upon his solemn affirmation, as directed by

6 Ann, c. 23.
Friends re-
fusing to make
affirmation.

Incapable of
voting for
members of
Parliament.

or commissioners for choosing a
place in Scotland, at the request
or other person present at such elec
empowered and required to admini
capable of giving any vote for the
such member to serve in the Ho
for any place in Great Britain, or
choose a burgess for any place in S

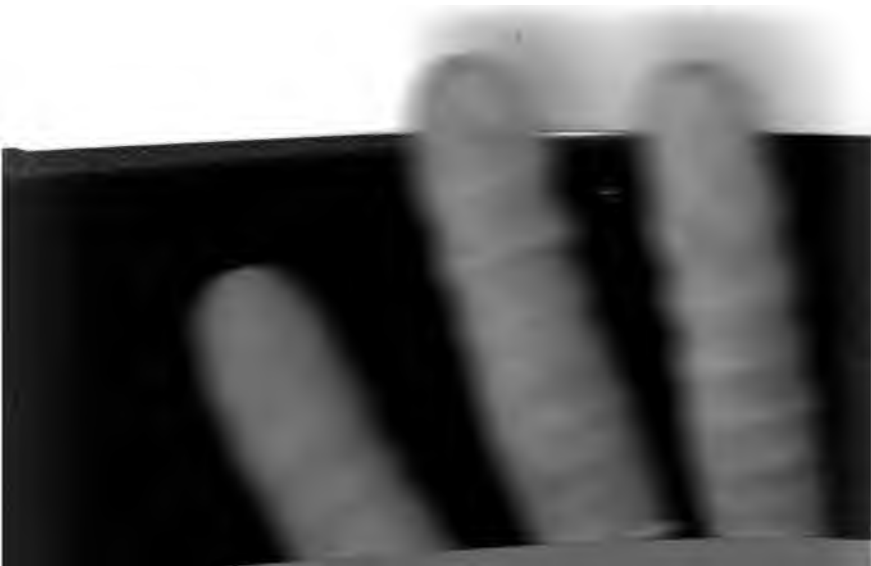
Friends not
liable to
penalties.

Ante p. 32.

Sect. 14. If any person being
refuse to take the said oath, being
in pursuance of the 6 Ann, c. 14,
thereof, declare the effect of the sa
solemn affirmation, as directed b
which affirmation shall be admin
Quaker instead of the said oath, su
not be liable to any of the penalti
for refusing the said oath, when
contained or mentioned in 6 Ann, c

1 Geo. I. c. 6.
Affirmation
instead of ab-
juration oath.

By 1 Geo. I. c. 6, intituled, "An
perpetual an act 7 and 8 Will. III
act that the solemn affirmation an



the people called Quakers, shall be accepted instead of an oath in the usual form,' and for explaining and enforcing the said act in relation to the payment of tithes and church rates and for appointing the form of an affirmation to be taken by the said people called Quakers, instead of the oath of abjuration." It is enacted, Sect. 3, that in all cases wherever the effect of the said abjuration oath may be legally tendered, or required of the said people called Quakers, or any of them, he or they shall take the effect thereof in the words there following: *The form is subsequently altered, vide post.*

By 8 Geo. I. c. 6, intituled, "An act for granting 8 Geo. I. c. 6. the people called Quakers, such forms of affirmation or declaration, as may remove the difficulties which many of them lie under:" Reciting, that for giving some ease to scrupulous consciences, an act was made, 1 W. & M. c. 18, whereby, among other Ante p. 1. things, a declaration of fidelity, in the form therein expressed, is appointed to be made by certain persons, Dissenters from the Church of England, who scruple the taking of any oath: And reciting, that an act was made 7 and 8 Will. III. intituled, "An Ante p. 32. act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in the usual form," under the provisions

act made in the first year of his then Majesty, by which last mentioned act, a form, in the effect of the abjuration oath, is prescribed by the said people called Quakers: And that the inconveniences to the said Quakers, and their families, and to others, in their testimony, in many cases, were not avoided, by reason of difficulties among the said Quakers, relating to the forms of the solemn affirmation and abjuration, before-mentioned, the same were then prescribed: And it was evident, that the said people could not have abused the liberty and indulgence granted to them by law, and that they had given sufficient proof of their fidelity and affection to his Majesty, in their settlement of the Crown in the Protestant Religion, that it was reasonable to give them farther relief: It is then enacted, that in all cases where by law any Quaker is, or shall be required to make and subscribe the declaration in the form prescribed by the said first Act, or to make the solemn affirmation or abjuration in the form prescribed by 7 & 8 Will. III. the effect of the abjuration oath, in

New forms.



scribed by the act of the first year of his then Majesty's reign, every such Quaker, shall, instead of such first mentioned declaration of fidelity, make and subscribe a declaration of fidelity in the following words, viz.

I, A. B. do solemnly and sincerely promise and ^{Declaration of fidelity.} declare, that I will be true and faithful to King George, and do solemnly, sincerely, and truly profess, testify, and declare, that I do from my heart abhor, detest, and renounce, as impious and heretical, that wicked doctrine and position, that Princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, that no foreign Prince, Person, Prelate, State, or Potentate, hath or ought to have any power, jurisdiction, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm.

And instead of the solemn affirmation or declara- ^{Affirmation.} tion in the form prescribed by 7 and 8 Will. III. every such Quaker shall make the solemn declaration or affirmation *set out in the act.*

And instead of the form prescribed by the said act of the first year of his then Majesty's reign, for

shall take the effect thereof in the *wo*
the act.

The forms now in use are given in
IV. c. 49, post.

Authority for
administering
new forms.

And all persons authorised or requ
nister or tender, either the said form
of fidelity, or the said former solen
or declaration, or the former effect c
tion oath aforesaid, shall be, and ar
thorised and required to administer a
same respectively, to the said people c
in the words by this act respectively a

To be of the
same effect as
former ones.

Sect. 2. The declaration of fidelit
affirmation or declaration, and the
abjuration oath, appointed by this ac
people called Quakers, instead of
forms prescribed for the same by th
acts, shall respectively be adjudged a
of such and the same force and effect
to all intents and purposes, in all co
and elsewhere, as if such Quaker 1
subscribed the declaration of fidelity
the solemn affirmation or declaration

the effect of the abjuration oath, in the respective forms appointed by the said recited acts: And if any person making such affirmation or declaration, ^{False affirmation.} as is appointed by this act to be made, instead of the affirmation or declaration in the form prescribed by 7 & 8 Will. III. shall be lawfully convicted of wilful, false and corrupt affirming and declaring any matter or thing, which, if sworn in the common or usual form, would have amounted to wilful and corrupt perjury, every such person, so offending shall incur and suffer such and the same pains, penalties, and forfeitures, as are inflicted or enacted, by the laws and statutes of this realm, against persons convicted of wilful and corrupt perjury.

Sect. 3. All clauses, provisoes, and exceptions, ^{Clauses not repealed.} contained in the said recited acts, or any of them, not hereby expressly altered or repealed, shall be of such and the same force and effect, as they were before the making of this act.*

* By the Annual Indemnity Acts, all persons who ought to have taken certain oaths, and subscribed certain declarations required by various acts, and amongst which are mentioned several of the acts set out under this head, but who have neglected or omitted so to do, are indemnified against all penalties, forfeitures, incapacities, and disabilities, incurred by such neglect or omission, by taking the said oaths, and subscribing the said declarations, on or before a particular day therein mentioned, before which day the next Indemnity Act is generally passed.

By 22 Geo. II. c. 46, it was enacted, that in all cases where by any act then in force or thereafter to be made, an oath was or should be allowed, authorized, directed, or required, the affirmation of a Friend should be allowed and taken instead of such oath ; but the act contains similar exceptions to those contained in the former acts, as to giving evidence in criminal cases, serving on juries, and bearing any office of profit in the Government. And by 15 Geo. III. c. 39, the affirmation of Friends was extended to cases where penalties were to be levied, or distresses to be made under any Act of Parliament ; but as the affirmation is now by 3 & 4 Will. IV. c. 49, *post*, extended to all cases where an oath is or shall be required, it is needless to set them out in full.

Geo. IV. c.
32.

Friends or
Moravians re-
quired to give
evidence, may
instead of an
oath make
their solemn
affirmation,
which shall
be of the
same effect in
all cases, civil
or criminal.

By 9 Geo. IV. c. 32, intituled “An act for amending the law of evidence in certain cases,” it is by Sect. 1 enacted, that every Quaker or Moravian who shall be required to give evidence in any case whatsoever, criminal or civil, shall, instead of taking an oath in the usual form, be permitted to make his or her solemn affirmation or declaration in the words following, (that is to say,)

The form of
the affirma-
tion is now
altered by 3
& 4 Will. IV.
c. 49, *post*.

“I, A. B. do solemnly, sincerely, and truly declare and affirm,” which said affirmation or declaration shall be of the same force and effect in all courts of justice, and other places, where by law an oath is required, as if such Quaker or Moravian

had taken an oath in the usual form ; and if any person making such affirmation or declaration shall be convicted of having wilfully, falsely, and corruptly affirmed or declared any matter or thing, which if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such offender shall be subject to the same pains, penalties, and forfeitures, to which persons convicted of wilful and corrupt perjury are or shall be subject.

By 3 & 4 Will. IV. c. 49, intituled "An act ^{3 & 4 Will. IV. c. 49.} to allow Quakers and Moravians to make affirmation in all cases where an oath is or shall be required," it is by Sect. 1 enacted, that every person of the persuasion of the people called Quakers, and every Moravian, be permitted to make his or her solemn affirmation or declaration instead of taking an oath, in all places and for all purposes whatsoever where an oath is or shall be required, either by the common law or by any Act of Parliament already made or hereafter to be made, which said affirmation or declaration shall be of the same force and effect, as if he or she had taken an oath in the usual form ; and if any such person making such solemn affirmation or declaration shall be lawfully convicted wilfully, falsely, and corruptly to have affirmed or declared any matter or thing, which, if

^{Friends permitted to make solemn affirmation or declaration instead of an oath, in all cases.}

^{Penalty on affirming or declaring falsely.}

Proviso.

amounted to wilful and corrupt perjury, he shall incur the same penalties and forfeitures. The laws and statutes of this realm are against persons convicted of wilful and corrupt perjury, any law, statute, or custom to the notwithstanding; provided always, that every affirmation or declaration shall be in the following; (that is to say,)

Form of declaration.

"I, A. B. being one of the people called [or one of the persuasion of the people called or of the United Brethren called Moravians *case may be,*] do solemnly, sincerely, and truly swear and affirm."

8 Geo. I. c. 6.
Ante p. 37.

6 Geo. III.
c. 53.

By Sect. 2, after reciting that some doubts arise as to the form of the affirmation to be taken in lieu of the oath of abjuration, by persons of the persuasion of the people called Quakers, it is enacted that instead of the form of affirmation prescribed in lieu of the abjuration oath by the act 8 Geo. I. c. 6. and instead of the form of the oath prescribed by the act 6 Geo. III, every person of the persuasion of the people called Quakers shall be permitted to make his or her solemn affirmation in the following words, *videlicet*,

“ I, A. B., being one of the people called Quakers, Form of affirmation in lieu of oath of abjuration.
 [or one of the persuasion of the people called Quakers,
 or of the United Brethren called Moravians, *as the case may be*] do solemnly, sincerely, and truly acknowledge, profess, testify and declare, that King *William* is lawful and rightful King of this realm, and of all other his dominions and countries thereunto belonging ; And I do solemnly and sincerely declare, that I do believe that not any of the descendants of the person who pretended to be Prince of *Wales*, during the life of the late King *James* the Second, and since his decease pretended to be and took upon himself the style and title of King of *England*, by the name of *James* the third, or of Scotland by the name of *James* the eighth, or the style and title of king of *Great Britain*, hath any right or title whatsoever to the crown of this realm, or any other the dominions thereunto belonging ; and I do renounce and refuse any allegiance or obedience to any of them : And I do solemnly promise, that I will be true and faithful and bear true allegiance to King *William*, and to him will be faithful against all traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown, or dignity ; and I will do my best endeavour to disclose and make known to King *William* and his successors all treasons and traitorous conspiracies, which I shall

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Veneris, 8^o die Februarii, 1833.

Several members attended at the table to take the oaths, and Joseph Pease, Esq., returned for the southern division of the County of Durham, having stated that being one of the people called Quakers, he claimed the privilege of making an affirmation, instead of taking the oaths; whereupon he was desired by Mr. Speaker to retire until the sense of the house could be taken upon his claim, and he retired accordingly.

QUAKER AFFIRMATION.—Select Committee appointed “to search the journals of the house, and to report to the house such precedents, and such acts, or parts of Acts of Parliament as relate to the right of the people called Quakers to take their seats in Parliament, and to the privilege conferred upon them to make their solemn affirmation in courts of justice and other places where by law an oath is allowed, authorized or required to be taken.”

Jovis, 14^o die Februarii, 1833.

Joseph Pease, Esq.—Resolved, That it appears to this house that Joseph Pease, Esq., is entitled to take his seat upon making his solemn affirmation and declaration to the effect of the oaths directed to be taken at the table of this house.

Veneris, 15^o die Februarii, 1833.

Joseph Pease, Knight of the Shire for the County of Durham, appeared at the table, and made his solemn affirmation; and several other members took the oaths.

By 1 and 2 Vict. c. 77, intituled, “An act for ^{1 & 2 Vict.} permitting affirmation to be made instead of an oath ^{c. 77.}”

make affirmation in lieu of oath.

Moravian, to make solemn affirmation in lieu of taking an oath, as full and complete as an oath, shall be lawful for any such person to do, and he or she who so remained a member of either of such religious societies or denominations of Christians, which said societies or denominations shall be of the same force and effect as if he or she had taken an oath in the usual form.

If convicted of having falsely affirmed to be guilty of perjury.

and if any such person making such solemn affirmation or declaration shall be convicted of having falsely, fully, falsely, and corruptly affirmed or sworn to any matter or thing which, if the same had been affirmed or sworn to in the usual form, would have amounted to wilful and corrupt perjury, every such offender shall be subject to the same pains, penalties, and forfeitures to which persons convicted of wilful and corrupt perjury are or shall be subject: Provide that every such affirmation or declaration shall be in the words following (that is to say)

Proviso.

Form of declaration.

I, A. B. having been one of the members of the Society of Friends, or Quakers, [or one of the persuasions called Quakers, or of the United Brethren in Christ, or Moravians, *as the case may be*], and conscientiously objecting to the taking of oaths, do hereby solemnly, sincerely, and truly declare,

OFFICES.

By 9 Geo. IV. c. 17, intituled "An act for repeal- 9 Geo. IV. c. 17.
ing so much of several acts as imposes the necessity
of receiving the sacrament of the Lord's Supper as
a qualification for certain offices and employments,"

After reciting the acts of 13 Chas. II. st. 2, c. 1 ; 25 13 Chas. II.
Chas. II. c. 2, and 16 Geo. II. c. 30, it is, by Sect. 1 st. 2, c. 1 ; 25
enacted, that so much of the recited acts as requires Chas. II. c. 2 ;
30. 16 Geo. II. c. 30.

the person or persons in the said acts respectively So much of re-
described, to take or receive the sacrament of the cited acts as
Lord's Supper according to the rites or usage of the require the
Church of England, for the several purposes therein persons there-
expressed, shall be, and the same are hereby repealed. in described
to receive the
Sacrament for
certain pur-
poses, re-
pealed.

And by Sect. 2, the form is given of a Declaration Declaration
to be made in lieu of the sacramental test. substituted.

*The form to be used by Friends is given in 1 and
2 Vict. c. 5, post.*

By 5 and 6 Will. IV. c. 28, intituled "An act for 5 & 6 Will.
removing doubts as to the declaration to be made, IV. c. 28.
and oaths to be taken by persons appointed to the
office of sheriff of any city or town being a county
of itself," after reciting that by 9 Geo. IV. c. 17, it 9 Geo. IV. c.
17, ante.
is enacted, that every person who should thereafter

No person
chosen a she-
riff, liable to
make the de-
claration in 9
Geo. IV. c. 17.

Proviso.

be placed, elected, or chosen, in or to the several public Offices or Trusts therein named, should within one calendar month next before or upon his admission into any of the aforesaid Offices or Trusts, make and subscribe the Declaration therein mentioned; it is by Sect. 1 enacted, that no person who had already been or should thereafter be elected or chosen to the office of sheriff of any city or town being a county of itself, should by reason thereof be liable to make or subscribe the aforesaid Declaration within one calendar month next before or upon his admission to the said office: Provided always that every person so elected or chosen to the said office of sheriff shall take, make, and subscribe, within the time required by law, all Oaths and Declarations which sheriffs of counties are bound to take, make, and subscribe.

5 & 6 Will. IV.
c. 76.

Mayor, alder-
man and
councillors,
auditors and
assessors of
boroughs, not
to act until
they have
made a decla-
ration of ac-
ceptance of
office.

By 5 and 6 Will. IV. c. 76, intituled "An act to provide for the regulation of municipal corporations in England and Wales," it is by Sect. 50 enacted, that no person elected a mayor, alderman or councillor, or auditor or assessor, for any borough, shall be capable of acting as such, except in administering the declaration thereafter contained, until he shall have made and subscribed before any two or more such aldermen or councillors (who are thereby

respectively authorized and required to administer the same to each other) the declaration of acceptance of office and of qualification by estate, in the words or to the effect therein mentioned: And that every alderman who shall have made and subscribed the foregoing declaration in respect of estate, shall once in every period of three years, if required in writing so to do by any two members of the council, make and subscribe a declaration that he is qualified to the same amount in real or personal estate, or both, as the case may be, as the amount mentioned in the declaration originally made and subscribed by him: Provided that nothing in the act contained should be construed to dispense with the obligation of any person to make and subscribe the declaration provided and enjoined by the act of 9 Geo. IV. c. 17.

Aldermen, if required, to make a declaration of office once in three years.

Proviso.

9 Geo. IV. c. 17, ante.

By 6 and 7 Will. IV. c. 104, intituled "An act for the better administration of the borough fund in certain boroughs," *after reciting* 5 and 6 Will. IV. c. 76, and that no provision is made in the said act for resigning any corporate office on payment of a fine or otherwise, it is by Sect. 8 enacted, that every person elected into any corporate office in any of the said boroughs, may at any time resign such office on payment of the fine which he would have been liable to pay for non-acceptance of the same office: Pro-

6 & 7 Will. IV. c. 104.

5 & 6 Will. IV. c. 76, ante.

Corporate offices may be resigned on payment of fine.

any fine for non-acceptance of office
by reason of his refusal on conscientious grounds to
take any oath or make any declaration in relation to
the said act, or to take upon himself to perform
such office.

any fine for non-acceptance of office
by reason of his refusal on conscientious grounds to
take any oath or make any declaration in relation to
the said act, or to take upon himself to perform
such office.

*By the 3 and 4 Vict. cap. 108,
made for Ireland.*

1 & 2 Vict. c. 5.

By 1 and 2 Vict. c. 5, intituled
"An Act for the relief of Quakers, Moravians, and Separatists
from the necessity of taking oaths in relation to Municipal offices," it is enacted

Instead of the
declarations
required by 9
Geo. IV. c. 17,
and 5 & 6
Will. IV. c. 76, the follow-
ing declara-
tion to be
made.

the declarations required to be subscribed by Quakers, Moravians, and Separatists, in relation to such conscientious scruples to such declarations, and in 5 and 6 Will. IV. c. 76, the following declaration to be made by persons admitted to make the following declaration in any municipal corporation, as alderman, or councillor :

Declaration.

" I, A. B., being one of the people
[or one of the persuasion of the
Quakers, or of the United Brethren
or of the denomination called Separatists
may be] having conscientious scruples



subscribing the declaration contained in an act passed in the ninth year of the reign of King *George* the Fourth, intituled ‘*An act for repealing so much of several acts as imposes the necessity of receiving the Sacrament of the Lord’s Supper as a qualification for certain offices and employments,*’ do solemnly, sincerely, and truly declare and affirm, that I will not exercise any power or authority or influence which I may possess by virtue of the office of
to injure or weaken the Protestant Church as it is by law established in *England*, nor to disturb the said church, or the bishops and clergy of the said church, in the possession of any right or privileges to which such church or the said bishops and clergy may be by law entitled.”

Sect. 2 enacts, That such affirmation or declaration shall be of the same force and effect as if the person making it had made or subscribed the declarations aforesaid as contained in the said acts of 9 Geo. IV. and 5 and 6 Will. IV. respectively.

Such declaration to be of same force as those in 9 Geo. IV. c. 17, and 5 & 6 Will. IV. c. 76.

By 1 and 2 Vict. c. 15, intituled “An act for the further relief of Quakers, Moravians and Separatists,” it is enacted, that every person being of the persuasion of the people called Quakers, or being a Moravian or Separatist, and entertaining

1 and 2 Vict. c. 15.

Instead of the declaration required by the act 9 Geo. IV. c. 17, that contained in

1 & 2 Vict.
c. 5, may be
taken by
Friends, &c.
elected to
office in any
corporation.

conscientious scruples against making the declaration prescribed by 9 Geo. IV. c. 17, who has been or shall be placed, elected, or chosen in or to the office of recorder, bailiff, town clerk, or common councilman, or any office of magistracy, or place, trust or employment relating to the government of any city, corporation, borough, or cinque port within England and Wales, or the Town of Berwick-upon-Tweed, or who has been or shall be admitted into any office or employment, or has accepted, or shall accept from her Majesty, her heirs or successors, any patent, grant, or commission, may, instead of making and subscribing the declaration prescribed by the said act of 9 Geo. IV., make and subscribe the declaration contained in the act 1 and 2 Vict. c. 5; and every such person so making and subscribing such last mentioned declaration shall have the same rights, powers, and authorities which he would have had if he had made and subscribed the declaration contained in the said act of 9 Geo. IV.: Provided always, that every declaration to be made by virtue of this act shall be made and subscribed before the same person or persons or court, and within the same time, and shall be preserved in the same manner as by the said act of 9 Geo. IV. is directed, as to the declaration therein mentioned.

Provided.

It may be proper, in reference to this subject of offices, to remark, that neither of the acts modifying the form of declaration on accepting office, (1 and 2 Vict. c. 5, and 1 and 2 Vict. c. 15,) was passed at the instance of the Society of Friends; and it should also be observed that previously to the passing of the act for the repeal of the Test and Corporation Acts (9 Geo. IV, c. 17, ante p. 49,) and also again on the occasion of the passing of the two modifying acts (1 and 2 Vict. c. 5, and 1 and 2 Vict. c. 15,) care was taken to represent on behalf of the Society, to members of the government, and to the legislature, not only the objections to the *form*, but the difficulties which would probably be entertained by Friends to the *substance* of the declaration, as involving some compromise of the religious principles which the Society has uniformly maintained in regard to all ecclesiastical establishments.

See also the Caution issued by the Yearly Meeting of the Society of Friends to its members in reference to taking office, Appendix to the Rules of Discipline, title "Civil Government."

TITHES AND OTHER ECCLESIASTICAL DEMANDS.

1 W. & M. c. 18. By the said act 1 W. and M. c. 18, Sect. 6, it is
Ante p. 1. enacted, that nothing therein contained shall exempt
Tithes saved. any person from paying of tithes or other parochial
duties, or any other duties to the church or minister ;
nor from any prosecution in any Ecclesiastical Court
or elsewhere for the same.

7 & 8 W. III. c. 34. By the said act 7 and 8 Will. III. c. 34, Sect. 4,
Ante p. 32. Reciting that by reason of a pretended scruple of
Tithes and church rates. conscience, Quakers do refuse to pay tithes and
church rates ; it is enacted that where any Quaker
shall refuse to pay, or compound for his great or
Justices to summon Friends. small tithes, or to pay any church rates, it shall and
may be lawful to and for the two next justices of the
Vid. 53 Geo. III. c 127, post. peace of the same county (other than such justice
of the peace as is patron of the church or chapel,
whence the said tithes do or shall arise, or any
ways interested in the said tithes) upon the com-
plaint of any parson, vicar, farmer, or proprietor of
tithes, churchwarden or churchwardens, who ought
to have, receive or collect the same, by warrant
under their hands and seals, to convene before them
such Quaker or Quakers neglecting or refusing to

pay or compound for the same, and to examine upon oath ; which oath the said justices are hereby empowered to administer, or in such manner as by this act is provided, the truth and justice of the said complaint, and to ascertain and state what is due and payable by such Quaker or Quakers to the party or parties complaining, and by order under their hands and seals to direct and appoint the payment thereof, so as the sum ordered, as aforesaid, do not exceed £10;* and upon refusal by such Quaker or Quakers to pay according to such order, it shall and may be lawful to and for any one of the said justices, by warrant under his hand and seal, to levy the money thereby ordered to be paid, by distress and sale of the goods of such offender, his Distress. executors or administrators, rendering only the overplus to him, her, or them, necessary charges of distraining being thereout first deducted and allowed by the said justice ; and any person finding him, her, or themselves aggrieved by any judgment given by such two justices of the peace, shall and may appeal to the next general quarter sessions, to be Appeal. held for the county, riding, city, liberty, or town corporate ; and the justices of the peace there present, or the major part of them, shall proceed finally

* Extended to £50, by 53 Geo. III. c. 127, post.

by the first two justices of the peace
then decree the same by order of session
also proceed to give such costs against
to be levied by distress and sale of
chattels of the said appellant, as to the
just and reasonable : And no proceeding
had, or to be had, by virtue of which
be removed or superseded by any writ
or other writ out of his Majesty's Chancery
minster, or any other court whatsoever
title of such tithes shall be in question

Warrant stopped
on appeal.

Sect. 5. In case any such appeal
aforesaid, no warrant of distress shall be
until after such appeal shall be deter-

*This act was to continue in force, and
duration was extended for a further term
III. c. 4, and it was made perpetual by*

1 Geo. I. c. 6.
Ante p. 36.

By the said act 1 Geo. I. c. 6, Section 5,
that by 7 and 8 Will. III. c. 34, a

For recovery
of tithes, &c.

vided for the recovery of tithes and

where any Quaker should refuse to pay the same;* it is enacted that such remedy shall be and was thereby extended, and the like remedy shall and may be had and used against any Quaker or Quakers, for the recovery of any tithes or rates, or any customary or other rights, dues, or payments, belonging to any church or chapel, which of right by law and custom ought to be paid, for the stipend or maintenance of any minister or curate officiating in any church or chapel; and any two or more justices of the peace of the same county or place, other than such justice of the peace as is patron of any such church or chapel, or any ways interested in the said tithes, upon complaint of any parson, vicar, curate, farmer, or proprietor, of such tithes, or any churchwarden or chapelwarden, or other person who ought to have, receive or collect any such tithes, rates, dues, or payments, as aforesaid, are thereby authorised and required to summon in writing, under their hands and seals, by reasonable warning, such Quaker or Quakers, against whom such com-

Vid. 53 Geo.
III. c. 127.
post.

* Lord Mansfield, in a MS. case cited by Burn under the head *Tithes*, says "That this act 1 Geo. I, c. 6, extends the act 7 and 8 Will. III. c. 34, concerning tithes, to all customary payments due to clergymen, and that these two acts are to be taken together as one law. They were intended for the benefit of the Quakers, to prevent their being liable to expensive suits, for refusing to pay tithes upon principles of conscience, by giving an apparent compulsory method of levying tithes, and other customary payments in a summary way."

plaint shall be made, and after his or their appearance, or upon default of appearance, the said warning or summons being proved before them upon oath, to proceed to hear and determine the said complaint, and to make such order therein, as in the said act is limited or directed, and also to order such costs and charges as they shall think reasonable, not exceeding ten shillings,* as upon the merits of the cause shall appear just; which order shall and may be so executed, and on such appeal, may be reversed or affirmed by the general quarter sessions of the county or place, with such costs and remedy for the same, and shall not be removed into any other court, unless the titles of such tithes, dues or payments shall be in question, in like manner as in and by the same act is limited and provided.

27 Geo. II.
c. 20.

By 27 Geo. II. c. 20, intituled "An act for the more easy and effectual proceeding upon distresses to be made by warrants of justices of the peace," it is provided that nothing therein contained shall extend, or be construed to extend, to alter or repeal

* This sum not exceeding ten shillings is, the compiler apprehends, intended as a compensation to the complainant for his trouble in the business, and out of which he is to pay all expenses by him incurred up to the time of the order for payment made by the justices, and not to be paid to the justice's clerk, which is often the case; and indeed the order made by the justices directs the same to be paid to the complainant.

any of the provisions or directions relating to dis- Exception.
tresses to be made for the payment of tithes and
church rates by the people called Quakers, con-
tained in the acts of 7 and 8 Will. III. c. 34, and 1
Geo. I. c. 6.

By 53 Geo. III. c. 127, intituled "An act for 53 Geo. III.
the better regulation of Ecclesiastical Courts in c. 127.
England, and for the more easy recovery of church Limitation of
rates and tithes," it is by Sect. 5 enacted, that from actions
and after the passing of this act, no action shall be respecting
brought for the recovery of any penalty for the not tithes.
setting out tithes, nor any suit instituted in any
Court of Equity, or in any Ecclesiastical Court, to
recover the value of any tithes, unless such action
shall be brought, or such suit commenced, within
six years from the time when such tithes became
due.

Sect. 6. After reciting, that by 7 and 8 Will. III.
c. 34, where any Quaker shall refuse to pay for or
compound for his great or small tithes, or to pay
any church rates, two or more of his Majesty's
justices of the peace are authorised to hear and
determine the same, not exceeding the value of £10;
and that by 1 Geo. I. c. 6, the said act is extended
to other objects: And that it is become expedient

Sum enlarged. to enlarge the said sum ; It is enacted that all the provisions of the said acts shall be deemed and taken to extend to any value not exceeding £50 :
One justice competent to receive the complaint. Provided always, that one justice of the peace shall be competent to receive the original complaint, and to summon the parties to appear before two or more justices of the peace as in the said act is set forth.

Observations.

Besides the above-mentioned acts, there are several others which have at various times been passed by the Legislature in aid of the ecclesiastical laws for compelling the payment of tithes and other offerings and dues. The principal clauses are as follow :

27 Hen. VIII. c. 20. By 27 Hen. VIII. c. 20, Every subject of this realm, according to the ecclesiastical laws and ordinances of the Church of England, and after the laudable usages and customs of the parish or other place where he dwelleth or occupieth, shall pay his tithes, offerings, and other duties of holy church ;
Every person to pay his tithes. and for subtractions of the same, the party grieved, may by process of the King's ecclesiastical laws of the Church of England convent the person offending before his ordinary or other competent judge, and compel the person offending to yield his said duties ; and in case the ordinary or other competent judge, for any contempt, contumacy, disobedience,

And for subtractions the party to be convented before the ecclesiastical judge.

or other misdemeanor of the defendant, make information and request to any of the King's most honourable council, or to the justices of the peace of the shire where such offender dwelleth, to assist him to order or reform such person in any cause before rehearsed, the King's said honourable council, or such two justices, shall have power to cause to be attached the person against whom such information shall be made, and to commit the same person to ward till he shall have found surety to the use of the King, to give due obedience to the process, decrees, and sentences, of the Ecclesiastical Court wherein such suit shall depend.

By 32 Hen. VIII. c. 7, Sect. 2. In case any persons of 32 Hen. VIII.
 their ungodly and perverse will, withhold any tithes or offer- c. 7. Persons withhold-
 ings, then the person or persons, having cause to demand the tithes.
 said tithes or offerings, may convent the persons offending before the ordinary, or other competent judge, according to the ecclesiastical laws. And the ordinary or other competent judge, having the parties before him, shall proceed to the examination, hearing, and determination, of such matter, ordinarily or summarily.

Sect. 4. If any persons, after sentence definitive given Persons after
 judgment
 refusing to
 pay.
 against them, obstinately and wilfully refuse to pay their
 tithes or duties, or such sums of money wherein they be con-
 demned for the same, two justices shall have authority, upon
 information, certificate, or complaint, made in writing by the
 ecclesiastical judge that gave the sentence, to cause the party
 refusing, to be attached and committed to the next gaol, till
 he shall have found surety to the use of the King to perform
 the sentence.

By 2 and 3 Ed. VI. c. 13, Sect. I. Every of the King's 2 & 3 Ed. VI.
 subjects shall justly without fraud, set out and pay all manner c. 13.

All persons to set out their prædial tithes,* in kind as they happen, as hath been set out their prædial tithes of right paid within forty years before this act, or of right or under the penalty of treble value.

custom ought to have been paid: And no person shall carry away any such or like tithes, before he hath justly set forth for the tithe, the tenth part of the same, or otherwise agreed for the tithes with the owner or farmer of the same; under the pain of treble value of the tithes.

Persons carrying away their corn, &c. before setting out tithe.

Sect. 2. If any person carry away his prædial tithes, before the tithe be set forth, or willingly withdraw his tithes of the same, or of such other things whereof prædial tithes ought to be paid, or do stop the owners or their farmers, to view and carry away their tithes, by reason whereof their tithe is lost or impaired; upon proof thereof made before the spiritual judge, or any other judge, to whom heretofore he might have made complaint, the party so withdrawing or stopping, shall pay the double value of the tithe so taken, lost, or carried away, besides costs.

* Tithes with regard to their several kinds or natures may be divided into prædial, mixt, and personal. Prædial tithes are such as arise merely and immediately from the ground; as grain of all sorts, hay, wood, fruit, and herbs: for a piece of land or ground, being called in Latin prædium, (whether it be arable, meadow or pasture,) the fruit or produce thereof is called prædial, and consequently the tithe payable for such annual produce is called a prædial tithe. Mixt tithes are those which arise not immediately from the ground, but from things immediately nourished by the ground as by means of goods depastured thereupon, or otherwise nourished with the fruits thereof; as colts, calves, lambs, chickens, milk, cheese, and eggs. Personal tithes are such profits as arise by the labour and industry of man, employing himself in some personal work, artifice or negociation; being the tenth part of the clear gain, after charges deducted. Tithes with regard to value, are divided into great and small. Great tithes are chiefly corn, hay, and wood. Small tithes are the prædial tithes of other kinds, together with those which are called mixt and personal. Offerings, oblations, and obventions are the customary payments for communicants at Easter, for marriages, christenings, churching of women, burials, and such like.

...tithes, profits, or other duties, he shall be sued (not proceed),
Ecclesiastical Court ; and it shall not be lawful
or farmer to sue such withholder of tithes, or
foresaid, before any other judge than ecclesias-
any judge give any sentence in the aforesaid
appeal or prohibition hanging) and the party
not obey the sentence, it shall be lawful to such
communicate the party disobeying ; in which sen-
munication, if the party wilfully endure forty
ication thereof in the parish church where the
iding, the judge may at his pleasure signify to
hancery the condition of the said party, and
re process *de excommunicato capiendo*.

aid act 53 Geo. III. c. 127, It is enacted that Ante p. 61.

n with all proceedings following thereupon Excommuni-
s be discontinued, except as spiritual censures cation discon-
tinued.

ecclesiastical cognizance ; and that no person
eclared excommunicate shall incur any civil
capacity whatever, except imprisonment not
onths, as the court shall direct. And that in
table by the Ecclesiastical Courts, when any
lect or refuse to appear or to pay obedience
decrees of the court, or shall commit a con-
ce of the court, no sentence of excommuni-
pronounced ; but instead thereof it shall be
lge to pronounce such person contumacious,
e same to the King in Chancery, and there-
contumace capiendo shall issue, which shall
ce and effect as the writ *de excommunicato*

the amount whereof was not above the
shillings (*extended by 53 Geo. III. c.*
£10:) but it is deemed unnecessary he
inasmuch as all proceedings against Fri
ecclesiastical demands due from them s
virtue of the acts hereinbefore detailed.

It may not be improper to observe,
Courts cannot take cognizance of any
be due and accustomed, for if the defend
modus, composition, or other matter,
tithing is called in question, this take
diction of the ecclesiastical judges : for
the existence of such a right to be decid
any single, much less an ecclesiastica
verdict of a jury. But where the right
question, but only the fact, it is consi
sonal injury, for which the remedy
Spiritual Court; viz. the recovery o
equivalent.

By Sect. 2 of the 2 and 3 Ed. VI.,
for double the value of the tithes be
judge, which is equivalent to treble the
in the Temporal Courts as given by
statute. For a person may sue for and
siastical Courts the tithes themselves,
them, by the ancient law ; to which tl
value is superadded by the statute. But
courts of common law for the subtractior

the original Poor Law Amendment Act 4 and 5 ^{4 and 5 W. IV. c. 76.}
c. 76, Friends were virtually incapacitated for voting ^{Guardians of Poor.}
ction of Guardians by the provision Sect. 40, which
he payment of the parochial rates and assessments
; but this is now remedied by 7 and 8 Vict. c. 101, ^{7 and 8 Vict. c. 101, s. 16.}
which confines this requisite to rates made for the
he poor.

& 8 Geo. IV. c. 17, intituled "An act to ^{7 & 8 Geo. IV. c. 17.}
the provisions of an act made in the 57th ^{57 Geo. III. c. 93.}
King George the Third, for regulating the
certain distresses," after reciting that by the
t intituled *An act to regulate the costs of dis-*
levied for payment of small rents, certain
ons are made with respect to the costs and
of levying and disposing of such distresses
the sum demanded and due shall not exceed
is enacted that from and after the passing of <sup>Provisions of
recited act
extended to
distresses for
taxes, rates,
tithes, &c., not
exceeding £20.</sup>
t all the rules, regulations, clauses, provisions,
es, matters and things, in the said act con-
shall extend and be construed to extend and
e applied and put in execution so far as the

same are applicable and capable of being put in execution with respect to any distress or levy which shall be made for any land-tax, assessed taxes, poor's rates, church rates, tithes, highway rates, sewer rates, or any other rates, taxes, impositions or assessments whatever, in all cases where the sum demanded and due for or in respect of such taxes, rates, tithes, assessments or impositions shall not exceed the sum of twenty pounds, and in all cases where the whole of the several sums sought to be levied by distresses taken for different purposes at the same time shall not exceed the sum of twenty pounds; and that such costs and charges and no other shall be taken and payable as the costs and charges of the levy and disposition of such distresses; and that all such proceedings shall and may be had and taken against any and every person transgressing the regulations of the said act in the levying or distraining for any such taxes, rates, impositions or assessments, and all such persons shall be liable to and shall incur such and the like penalties as by the said act are directed, required and imposed with respect to persons making any distress for rent contrary to the directions of the said act, and that in any order or judgment of any justices before whom any complaint shall be preferred in consequence of this act, such order shall be expressed to be made upon

a Complaint for the breach of the said recited act as amended by this act; and that the said recited act and this act shall be taken and construed together as one act to all intents and purposes whatsoever.*

By 5 and 6 Will. IV. c. 74, intituled "An act ^{5 & 6 Will. IV. c. 74.} for the more easy recovery of tithes," after reciting the acts of 7 and 8 Will. III. c. 6; 53 Geo. ^{7 & 8 Will. III. c. 6; 53 Geo. III. c. 127; 7 and 8 Will. III. c. 34; and 1 Geo. I. c. 6,} and corresponding acts with reference to Ireland, ^{34; 1 Geo. I. c. 6.} it is by Sect. 1 enacted, that no suit or other proceeding shall be had or instituted in any of His Majesty's courts, either in England or Ireland, now having cognisance of such matter, for or in respect of any great or small tithes, moduses, compositions, rates or other ecclesiastical dues or demands whatsoever, of or under the value of fifty pounds, withheld by any Quaker, either in England or Ireland, but that all complaints touching the same, if in England, shall be heard and determined only under the

Proceedings for recovery of tithes of or under the value of £50, withheld by Friends shall be heard only under 7 & 8 Will. III. c. 34, and 53 Geo. III. c. 127.

* The costs in 57 Geo. III, c. 93, referred to in this act are :—

	£	s.	d.
Levying distress	0	3	0
Man in possession, per day	0	2	6
Appraisement, whether by one broker or more, sixpence in the £ on the value of the goods			
Stamp, the lawful amount thereof			
All expenses of advertisements, if any such	0	10	0
Catalogues, sale and commission, and delivery of goods, one shilling in the pound on the net produce of the sale			

before contained shall extend to a
the actual title to any tithe, obla
modus, due or demand, or the rate
tion or modus, or the actual liability
the property to or from any suc
composition, modus, due, or deman
fide in question, nor to any case in
or other proceeding shall have be
tuted before the passing of this Act

Manner of
recovering
tithes due
from Friends.

Sect. 2 enacts, that in case any
ceeding has been prosecuted or con
hereafter be prosecuted or commenc
Majesty's Courts in England or Ire
ing any great or small tithes, modu
for tithes, rate or other ecclesiastic
tracted, unpaid, or withheld by c

No execution
is to issue
against the
person.

Quaker, no execution or decree or
or be made against the person or
defendant or defendants, but the plai
shall and may have his execution o
the goods or other property of t
defendants, and in case any person

in such suit or proceeding, the sheriff
er having such person in his custody
th discharge him therefrom; and the
plaintiffs in such suit or proceeding
ay, notwithstanding such discharge,
ther execution or take any other pro-
recovering his demand and his costs out
erty, real or personal, of the person so

5 Vict. c. 36, intituled "An act to amend 4 and 5 Vict.
e fifth and sixth years of King William c. 36.
5 and 6 Will.
IV. c. 74.

for the more easy recovery of tithes, and
y the jurisdiction from the Ecclesiastical
ll matters relating to tithes of a certain

is enacted, that from and after the pass- Provisions of
act all the enactments and provisions of recited Act as
cited act, respecting suits or other pro- to proceedings
any of Her Majesty's courts in England for recovery
of certain
f tithes, oblations, and compositions, of or tithes and
other ecclesi-
astical dues,
extended to all
ecclesiastical
courts in Eng-
land.
yearly value of ten pounds, and of any
all tithes, moduses, compositions, rates,
eclesiastical dues or demands whatsoever,
r the value of fifty pounds, withheld by
r, shall extend and be applied to all Eccle-
ourts in England.

Expenses of
apportion-
ment to be
borne rateably
by the land-
owners.

By 6 and 7 Will. IV. c. 71, intit
the commutation of tithes in Eng
it is by Sect. 75 enacted, that
incident to making any apportion
salary or allowance to any commis
commissioner, and except any ex
commissioners or assistant comm
authorised and may have ordered
paid,) shall be borne and paid by tl
included in the apportionment, in r
to the sum charged on the said land
by such apportionment.

Recovery of
expenses.

Sect. 76 enacts, that if any diff
touching the said expenses, or the
be paid by any person, it shall b
commissioners or some assistant
certify under their or his hand tl
paid by such person; and in case
neglect or refuse to pay his share :

An additional
and more
summary re-
medy is given
by st. 2 & 3
Vict. cap. 62,
sec. 18.

payable by him, and upon the pr
certificate before any two justices
the county or other jurisdiction, w
mentioned in the agreement or awa

ment are situate, such justices, upon the nonpayment thereof, are thereby required by warrant under their hands and seals, to cause the same and the costs of the distress to be levied by distress and sale of the goods of the person liable to pay the same, and to render the surplus (if any) after deducting the charges of the distress and sale to the person distrained upon.

Sect. 81 enacts, that in case the said rent charge shall Recovery of arrears of rent charge. at any time be in arrear and unpaid for the space of twenty-one days next after any half-yearly day of payment, it shall be lawful for the person entitled to the same, after having given or left ten days' notice in writing at the usual or last known residence of the tenant in possession, to distrain upon the lands liable to the payment thereof, or on any part thereof, for all arrears of the said rent charge, and to dispose of the distress when taken, and otherwise to act and demean himself in relation thereto as any landlord may for arrears of rent reserved on a common lease for years: provided that not more than two Proviso. years arrears shall at any time be recoverable by distress.

Sect. 82 enacts, that in case the said rent charge Recovery of arrears of rent charge when shall be in arrear and unpaid for the space of forty

there shall be no sufficient distress
liable to the payment thereof, it sh
any judge of His Majesty's Cou
Westminster, upon affidavit of the
writ to be issued, directed to the sh
in which the lands chargeable wit
are situated, requiring the said s
a jury to assess the arrears of rent
unpaid, and to return the inquisition
to some one of His Majesty's C
Westminster, on a day therein to
in term time or vacation, a copy of
notice of the time and place of ex
shall be given to the owner of th
his last known place of abode, or
agent, ten days previous to the e
and the sheriff is hereby required to
according to the exigency thereof
such inquisition shall be taxed by 1
of the court, and thereupon the o
charge may sue out a writ of habe
sionem, directed to the sheriff cor
cause the owner of the rent charg
sion of the lands chargeable the
arrears of rent charge, found to be
costs, and also the costs of such

and always, that not more than two years arrears
and above the time of such possession shall be
by time recoverable.

Act. 83 enacts, that it shall be lawful for the Account, how
to be ren-
dered.
out of which such writ shall have issued, or any
at chambers, to order the owner of the rent-
who shall be in possession by virtue of such
from time to time to render an account of the
and produce of the lands, and of receipts and
rents in respect of the same, and to pay over the
rents (if any) to the person for the time being
charged thereunto, after satisfaction of such arrears
in charge, and all costs and expenses as afore-
said thereupon to order a writ of supersedeas to
void the said writ of habere facias possessionem,
and so by rule or order of such court or judge from
time to time to give such summary relief to the
parties as to the said court or judge shall seem fit.

Act. 84 enacts, that in all cases in which it Recovery of
rent charges
from Friends.
is necessary to make any distress under this
Act in respect of any lands in the possession of any
person of the persuasion of the people called Quakers,
distress may be made upon the goods, chattels, or



Proviso.

and with the same consequences in all cases made on the premises; and that in all distress under this act upon persons or things of the goods, chattels, or effects which are distrained shall be sold without its being impounded or kept the same: Provided that no writ under the provision hereinbefore shall be issued for assessing or recovering any charge payable under this act, in respect of lands in the possession of any person or person aforesaid, unless the same shall have been unpaid for the space of forty days or half yearly day of payment, without default or default thereto being able to find goods or effects either on the premises or elsewhere to be distrained as aforesaid, sufficient to satisfy the arrears to which such lands are liable, and the reasonable costs of such distress.

7 Will. IV.
and 1 Vict.
c. 69.

By 7 Will. IV. and 1 Vict. c. 69,
an act to amend an act for the commutation

Rates on rent
charges may
be recovered
from any
occupier of
lands out of
which the
rent-charge

in England and Wales," it is by this act provided that all rates and charges to which the occupier of lands is liable shall be payable in lieu of tithes shall be assessed upon the owner of the land

or which such rent-charge shall issue, in case the owner shall not be sooner paid by the owner of the charge, upon whom the same shall be assessed, in like manner as any poor rate assessed on such occupier or occupiers in respect of such lands may be recovered, upon giving to such occupier twenty-days notice in writing, previous to any one of half-yearly days of payment of the rent-charge, the collector's receipt for the payment of such rent and charges, or of any part thereof, shall be received in satisfaction of so much of the rent charge as the owner thereof, but no occupier shall be liable therefor at any one time, in respect of such rates and charges any greater sum than the rent charge, payable in respect of the lands occupied by him in the parish shall amount to for the current half-year in which such notice shall have been given.

2 and 3 Vict. c. 62, intituled "An act to amend the acts for the commutation of tithes in England and Wales," after reciting 6 and 7 W. IV, c. 71; 1 Vict, c. 69, and 1 and 2 Vict. c. 62, that it is by Sect. 18 enacted, that payment of the tithes or of or incident to making any apportionment or any other expenses which the said commis-

2 & 3 Vict.
c. 62.

6 & 7 W. IV.
c. 71; 1 Vict.
c. 69; 1 & 2
Vict. c. 64.

Expenses of
apportion-
ment may be
recovered in

as payment of rent charge in arrears
under the provisions of the said ac
them.

Observations.

A perusal of the extracts from Acts of
are given under this and the preceding h
the Legislature many years ago intended to
considerable extent effected it, a summary as
the recovery of Ecclesiastical demands from
amount did not exceed £10, (subsequently
and more recently they have extended furtl
by wholly excluding the jurisdiction of the
Equity, and the Ecclesiastical Courts, in
amount claimed is under £50, unless the
such claim, or the actual liability or exe
perty to or from any such claim, shall be b
and by the abolition of all imprisonment in
on account of Ecclesiastical demands.
relieved in common with others by the pr
the costs of distraint on distresses for sums
respect to the limitation contained in the
of the costs to ten-shillings, it is not an
for the clerk to the justices to take that su

but which it must be clear is erroneous. The justices at the time of adjudication, which is before they know that any Warrant will issue, are to order such costs as they shall think reasonable, not exceeding ten shillings, which costs must, as a matter of course, be the fees incurred for the summons and serving and the adjudication, and a compensation, if they think fit, to the claimant for his trouble.

In reference to the legality of including several defaulters in the payment of Ecclesiastical demands in one Warrant of Distress, a case was prepared in the year 1831, as follows:

“By several statutes, and particularly by the 7th and 8th Will. III. c. 34, and 53 Geo. III. c. 127, the Legislature has made various provisions for the relief of the conscientious scruples of the Quakers, against the payment of Tithes, Church rates, and other Ecclesiastical demands; and in order to lessen the expense of enforcing these claims, has provided a summary process before two justices of the peace.

“It has happened, in several instances, of late years, that magistrates, especially in districts where Quakers are numerous, have, with a view to keep the charges within reasonable limits, included several defaulters in one Warrant of Distress.

“In other cases, the justices, though equally desirous of treating the sufferers with lenity, have declined to adopt this course, till they were satisfied, by a legal opinion of weight and authority, that the practice in question was not contrary to law.

“In support of the legality of the above course, it has been considered, that where several defaulters are named in the same Warrant, and the constable is directed to levy the demand claimed from each, by distress and sale of his goods

and chattels respectively, such a Warrant amounts in effect to several distinct Warrants on one and the same piece of paper ; and it has been apprehended that the constable might plead it as such, in any proceedings instituted against him by any one of the defaulters ; and on the other hand, that any of the defaulters might take exceptions against that part of the Warrant which affected himself, if irregular, in precisely the same manner as if it were a distinct Warrant.

“ It may further be proper to observe, that in several local acts for compounding tithes, &c., a course similar to the above is expressly pointed out by the Legislature, and a form of Warrant given. Amongst others, see 6 Geo. IV. c. clxxvi. s. 19 ; 7 Geo. IV. c. cxvi, s. 22 ; 10 Geo. IV. c. xiv. s. 22, (local and personal.) It is therefore conceived that the Legislature must have considered such a proceeding as not open to any difficulties or objections, on the part of either the constable or the defaulter, or it would not have directed its adoption, at any rate without making some provision to meet such difficulties or objections.”

The case was laid before Sir Thomas (now Lord) Denman, the then Attorney General, for his opinion whether, if several defaulters are included in one Warrant of Distress, under 7th and 8th Will. III. c. 34, or 53 Geo. III. c. 127, the demands against them being of a similar nature, such Warrant would be valid, so as to prevent the magistrates who granted, and the officers who executed it, from incurring any legal liability beyond what they would incur by granting separate Warrants. His opinion was :—“ I think such Warrants are undoubtedly legal.” The same case was laid before Sir James Scarlett (afterwards Lord Abinger,) who said :—“ It appears to me,

is sufficiently distinguished from the other ;
it is in effect a separate Warrant against each

rved that in the recovery of the rent charge
the remedy is extremely simple, not requiring
of magistrates or constables, only such a pro-
andlord is enabled to take for the recovery of
ant.

THE MILITIA AND MILITARY SERVICE.

Regular Militia.

42 Geo. III.
c. 90.
Notice to
housekeepers
to produce
lists.

BY 42 Geo. III. c. 90, intituled “ An act for amending the laws relating to the Militia in England, and for augmenting the Militia,”* It is enacted, Sect. 26, that the several constables, tithing-men, head-boroughs, and other officers and persons required to return lists, (*that is, lists of the names of all the men usually and at the time of making such lists, dwelling within their respective parishes, &c. between the ages of 18 and 45 years, to be returned to the deputy lieutenants,*) shall, within fourteen days after any such returns shall be required, give or leave notice in writing to or for every occupier of every dwelling-house where any person shall reside, within the limits of the places for which they act, as such constables or other officers as aforesaid in the execution of this act, or any of the provisions thereof, at his or her dwelling-house, or where such dwelling-house shall be divided into different stories or apart-

* The militia in Scotland is raised under 42 Geo. III. c. 91 ; Sect. 22 of which is similar to Sect. 27 of the English act ; Sect. 28, relating to the appointment of deputies to Friends who are constables, is nearly similar to Sect. 33 of the English act ; and Sections 45 and 46, relating to Friends who are ballotted, and defining who shall be deemed Friends, are nearly the same as Sects. 50 and 51 of the English act.

ments, and occupied distinctly by several persons, then, to or for the occupier of each distinct story or apartment, to prepare or produce within fourteen days, next ensuing the day of giving such notice, a list in writing, to the best of his or her belief, of the christian and surname of each and every man resident in such dwelling-house, or distinct story or apartment, between the ages of 18 and 45, distinguishing every person in such dwelling-house, or distinct story or apartment, of such age as aforesaid, claiming to be exempt from serving in the militia, together with the ground of every such claim of exemption ; and every such notice shall mention the day, time, and place, appointed for hearing appeals within such sub-division, by persons claiming to be exempt from serving in the militia ; and every such occupier shall, after such notice so given or left, make out such list, and sign the same with his or her own name, and shall deliver the same, or cause the same to be delivered, to such constable, or other officer or person as aforesaid ; and if any occupier shall neglect or refuse to make out, sign, and deliver such list as aforesaid, within the time before limited, or shall omit any person who ought to have been included therein, in pursuance of this act, or knowingly make any false return of any particular required therein, every such occupier shall, for every such

Penalty for
not delivering
lists, or
making false
returns.

offence, forfeit and pay a sum not exceeding the sum of five pounds.

Friends to
produce cer-
tificates of
their being
such.

Sect. 27. In every case where any notice shall be served upon any occupier being one of the people called Quakers, such occupier shall, within seven days after the service of such notice, produce to the constable or other officer, a certificate under the hands of two or more reputable housekeepers being of the people called Quakers, acknowledging such person to be one of their persuasion;* and that in all such cases, such constables or other officers are hereby required to make returns of the persons liable to serve in the militia, resident in the houses, stories, or apartments of such occupiers so certified to be of the people called Quakers, in the same manner as is directed by this act in cases where returns are not made to such notices as aforesaid.†

* The certificate required to be produced by Friends under as well the regular as the local militia acts, and also under the annual training act, may be very properly in the following form; it must be signed by persons resident within the same county or place as the Friend for whom the certificate is given, and must be dated within three months immediately preceding the day on which it is produced.

We, the undersigned, being housekeepers and members of the Society of Friends, commonly called Quakers, resident within the parish, city, or county (*as the case may be*) of _____ do hereby certify and acknowledge A. B. resident within the aforesaid parish, city, or county (*as the case may be*) to be one of our persuasion.

C. D.

Dated the _____ day of the _____ month, 184 . E. F.

† In 46 Geo. III. c. 91, intituled "An act for the return of correct lists of persons liable to serve in the militia, under an act passed in the

Sect. 29. If any person whose name shall be inserted in any list, in pursuance of this act, shall think himself aggrieved thereby, or by the omission of any other name or names, or shall claim to be exempted from serving in the militia, it shall be lawful for such person, and he is hereby required to appeal to the sub-division meeting appointed to be held for hearing such appeals ; and any two or more of the said deputy-lieutenants are hereby empowered and required to hear and determine all such appeals, and if the same cannot be heard on the day first appointed, to adjourn to any other day or days ; and the determination of any two deputy-lieutenants, if only two are then and there assembled, or of the major part of them, if more than two are assembled, shall be final to all intents and purposes ; and no appeal shall be afterwards heard or allowed, or any

Persons
aggrieved
may appeal.

forty second year of his present Majesty, and to suspend the ballot for the militia in England for two years," and in 47 Geo. III. c. 71, intituled " An act for the speedily completing the militia of Great Britain and increasing the same under certain limitations and restrictions," there is a general reference to the 42 Geo. III. c. 90, extending all powers, provisions, and regulations contained therein (as far as the same are applicable) to those acts respectively, and consequently extending to it, amongst other provisions, that (Sect. 27) which exempts the people called Quakers from the general requisition to occupiers of houses, &c. to make returns of such men, between the ages of 18 and 45, as are resident in their respective dwelling houses ; also that (Sect. 33) which is in favour of those of the said people who may be constables, head-boroughs, tithing-men, or overseers of the poor : proper certificates of the religious persuasion of the parties being in both cases produced.

exemption whatever claimed or admitted, by or on behalf of any person or persons whatever.

43 Geo. III.
c. 50.
Penalty on
neglecting to
appeal.

But by 43 Geo. III. c. 50, intituled "An act for more speedily completing the militia of Great Britain, raised under two acts, passed in the 42nd year of the reign of his present Majesty, and for amending the said acts," Sect. 13 enacts, that on the making out or amending of any lists of persons fit to serve in the militia, every person who shall wilfully neglect to appeal* within the time appointed for that purpose, shall forfeit for every such offence any sum not exceeding twenty shillings, nor less than five, at the discretion of any two or more deputy-lieutenants, or justices of the peace, or magistrates; and, on nonpayment thereof, be imprisoned at the discretion of any two or more deputy-lieutenants, or justices of the peace, or magistrates as aforesaid, for any time not exceeding one week.

42 Geo. III.
c. 90.
Justices may
appoint
deputies to
friends being
constables.

Ante p. 84.
note.

By the aforesaid act, 42 Geo. III. c. 90, Sect. 33, If any chief or other constable, head-borough, tithingman, or overseer, shall be of the people called Quakers, (and certified to be so by two persons of the people called Quakers,) and shall neglect or

* This is applicable to every person who has some legal objection to the return of his name.

refuse to perform the duties required by this act, it shall be lawful for any two justices of the peace acting for the division within which such Quaker shall be such officer as aforesaid, and they are hereby required, in all cases where the circumstances of the case shall, in their judgment, render it expedient and necessary for the due execution of the provisions of this act, by their order, under their hands and seals, to appoint a fit and proper person to be deputy to such Quaker, for the purpose only of carrying this act into execution ; and every person so appointed deputy as aforesaid, shall have and exercise all the powers, authorities, and jurisdictions given by this act to such officer for whom he shall so act, and shall do and perform all the like duties and offices, under the like pains, penalties, and forfeitures, as are hereby imposed for neglect of duty of any such officer as aforesaid, in like manner in every respect as the person for whom he shall so act ; and where an appointment of any deputy shall be so made, the principal chief constable, headborough, tithing-man, or overseer, (being one of the people called Quakers,) shall be, and he is hereby discharged from the performance of any duty required of him by this act, and from all penalties incurred for neglect thereof after the time of such appointment.

Parishes may
offer volun-
teers without
balloting.

Sect. 42. If the churchwardens or overseers of the poor of any parish, tithing, or place, shall with the consent of the inhabitants taken at a vestry, or at any other meeting to be holden for that purpose, for the calling of which vestry or meeting, three days public notice shall be given, specifying the cause of calling such vestry or meeting, provide and produce to the said deputy-lieutenants, or any two or more of them, at any sub-division meeting for choosing the militia men by ballot, any volunteer or volunteers who shall be examined and approved as is thereafter mentioned, such volunteer or volunteers so examined and approved shall be then and there sworn in and enrolled to serve for such term, and on the same conditions, as is provided in the case of substitutes produced by persons chosen by ballot; and the said deputy-lieutenants shall cause only such number of persons to be chosen by ballot out of the list returned for such parish, tithing, or place, as shall be then wanted to make up the whole number to serve for such parish, tithing, or place: And if any

Overseers, &c.
may make
rate for pay-
ment of
bounties to
volunteers.

such churchwardens or overseers shall give to such volunteer or volunteers any sum or sums of money not exceeding six pounds each, to serve in the militia for such parish, tithing, or place, it shall be lawful for such churchwardens or overseers to make a rate upon the inhabitants of such parish, tithing, or

place, according to the rate then made for the relief of the poor, which rate (being approved by any justice of the peace) it shall be lawful for such churchwardens or overseers to collect, and to reimburse themselves such sum or sums of money as they shall have paid to such volunteer or volunteers as aforesaid, and the overplus (if any) shall be applied as part of the poor's rate: And if any person shall refuse to pay such rate, it shall be lawful for any justice of the peace upon complaint thereof ^{Vid. Sect. 51, post.} made by any such churchwarden or overseer, by warrant under his hand and seal, to levy the same by distress and sale of the offender's goods and chattels, returning the overplus (if any) after the said rate, and the charges of such distress and sale shall be paid: But no person chosen by ballot, who shall have served in the militia, either by himself or by substitute, according to the directions of this act, or any other act or acts, or who shall be then serving himself or by substitute, shall be liable to pay any such rate: Provided always, that if any person shall ^{Appeal.} think himself aggrieved by any such rate, as aforesaid, such person may appeal to the next general or quarter sessions, in like manner as is provided in the case of appeals against rates for the relief of the poor.*

* It appears that the rate mentioned in the present clause is to be a special one: This is clear as well from the words "*A Rate—according*

articled clerk, apprentice, seaman, &c.
nor any poor man who has more than one
in wedlock, shall be liable to serve or
provide a substitute to serve in the militia
person having served personally, or by
according to the directions of any former
relating to the militia, or under this act
obliged to serve again, until by rotation it
to his turn.

Friends being
ballotted.

Sect. 50. If any person, being one of the
called Quakers, shall be chosen by ballot to
the militia, and shall refuse or neglect to
and to take the oath, and serve in the militia
provide a substitute of the same county, riding
place, or of some adjoining parish or place
examined and approved as thereafter directed
shall take the said oath, and subscribe his name
to serve as the substitute of such Quaker, then
in every such case, any two or more deputy
tenants shall, if they shall think proper, up

*to the rate then made for the relief of the poor" as from the consideration
"no person chosen by ballot, who shall have served in the militia, either
self, or by substitute," &c. will be liable to pay any such rate. By Sect.
another rate is in a certain case directed to be made, and it is evident
from the words of the act, that there also a special rate is required*

reasonable terms as may be, provide and hire a fit person of the same county, riding, or place, or of some adjoining parish or place, to serve as a substitute for such Quaker; and such substitute shall, after being duly examined and approved, take the said oath, and subscribe his consent to serve in the militia, for the same term and on the same conditions as is thereinbefore directed in the case of substitutes produced by persons chosen by ballot; and any two or more deputy-lieutenants may and are hereby authorised, by warrant under their hands and seals, to levy by distress and sale of the goods and chattels of such Quaker, such sum of money as shall be necessary to defray the expense of providing and hiring such substitute, rendering to such Quaker the overplus (if any,) after deducting the charges of such distress and sale; and if no goods or chattels belonging to such Quaker be found sufficient to levy such distress, *and it shall nevertheless appear satisfactorily to such deputy-lieutenants that such Quaker is of sufficient ability to pay the sum of ten pounds,** then it shall be lawful for such deputy-lieutenants to commit such Quaker to the common gaol, there to remain, without bail or mainprize, for the space of

* From this provision it would appear that if a Friend is not of sufficient ability to pay the sum of £10, he is not liable to either fine or imprisonment.

three months, or until he shall have paid such sum of money as such deputy-lieutenants shall have agreed to pay to such substitute as aforesaid: And in case any measures shall be used in making distress as aforesaid, which may be by any such Quaker thought oppressive, it shall be lawful for such Quaker to complain to the deputy-lieutenants at their next meeting, who are hereby empowered and required to hear and finally determine the same.

Vid. p. 88. **Sect. 51.** Where any rate shall have been made for the providing of volunteers according to the directions of this act, and the churchwardens and overseers shall make complaint to a justice of the peace that any Quaker or Quakers had refused to pay the sum or sums of money he or they shall be rated at, such justice shall order such costs and charges to be paid for levying such distress, as he shall think reasonable, not exceeding ten shillings on each of the said Quakers, where there are no more than two, and where there are a greater number than two, not exceeding five shillings on each of the said Quakers: Provided always, that no man shall be deemed, taken, and accepted to be a Quaker within the meaning of this act, unless he shall produce, before the deputy-lieutenants, at some of their sub-division meetings, a certificate under the hands

Friends refusing to pay rate.

Who shall be deemed Friends.

of two or more reputable housekeepers, being of the people called Quakers, resident within the said county, riding, or place, and dated within the three months immediately preceding the day on which it shall be produced as aforesaid, acknowledging such man to be one of their persuasion. Vid. p. 84.
note.

The form of a certificate applicable to the latter part of this clause, may be seen in p. 84, note.

By the said act, 43 Geo. III. c. 50, Sect. 12, It is enacted, that where any deputy-lieutenant shall provide any substitute for any Quaker, under the provisions of the said recited acts, the sum of money which such deputy-lieutenants shall have agreed to give to such substitute, shall be paid to such substitute upon the certificate of such deputy-lieutenant, by the overseer of the poor of the parish, tithing, or place, for which such substitute shall be provided, out of the poor rates for such parish, tithing, or place; and such sum of money shall be levied in manner directed by the said act, and repaid to the overseers who shall have advanced the same. 43 Geo. III.
c. 50.
Overseers to
pay money for
substitutes.

By the aforesaid act 42 Geo. III. c. 90, Sect. 53, It is further enacted, that whenever it shall 42 Geo. III.
c. 90.
Vacancy by
person

ballotted
being infirm,
or short of
size.

appear to any two or more deputy-lieutenants assembled at any sub-division meeting, that any person chosen by ballot to serve in the militia, is not of the full height of five feet four inches, or is not approved, upon examination by a surgeon, according to the directions of this act, and is not seised or possessed of an estate in land, goods, or money, of the clear value of one hundred pounds, and who shall make oath that he is not seised or possessed of such estate, such deputy-lieutenants shall, and are hereby empowered and required to discharge such person, and immediately to amend the list for the place for which such person shall have been ballotted, and to cause another person to be chosen in his stead by ballot, according to the directions of this act.

Providing
carriages.

Sect. 95. When the militia shall be called out to be trained and exercised, any justice being thereunto required, *as in the act is mentioned*, shall issue his warrant to the constables, &c. requiring them to provide such carriages, &c. as shall be mentioned in the said warrant: and the constables, &c. shall order such persons having carriages as they shall think proper, to provide and furnish the same according to the said warrant; and every person so ordered, is

required to provide and furnish the same for one day's journey and no more.

Sect. 122. In case any person not possessed of any estate in land, goods, or money, of the clear value of £500, and who shall make oath that he is not possessed of such estate, shall be chosen by ballot to serve in the militia for any parish, tithing, or place where the said militia is drawn or ordered out for actual service, and such person shall be approved, sworn, and enrolled as aforesaid, or shall provide a fit person to serve as his substitute, who shall be approved, sworn, and enrolled as aforesaid, the churchwardens or overseers of the poor of such parish, tithing, or place, shall, on receiving an order under the hands of any two or more deputy-lieutenants acting within the sub-division wherein such parish, tithing, or place, is situate, pay to every such person so chosen by ballot, any such sum of money, not exceeding the sum which such deputy-lieutenants shall adjudge to be as near as may be one half of the current price then paid for a volunteer, or substitute, in the county, riding, or place, where such person was so chosen, which said sum of money shall be taken out of the rate to be made as hereinbefore directed, for providing and producing volunteers, or in case no volunteers shall have been

Certain persons intitled to a sum of money.

provided or produced by the churchwardens or overseers, then out of a rate to be made and collected agreeable to the poor's rate as hereinbefore also directed. *See note in p. 89 for an observation respecting this rate.*

Overseers to
pay fines for
men deficient
out of the
poor rates.

Sect. 161. The overseers of the poor of the several parishes and tithings upon which any such rate or assessment shall have been made as in the said act aforesaid,* shall, within fourteen days after notice from the treasurer of the county, riding, or place, pay the amount of the rate or assessment made upon their respective parishes or tithings, out of any money in their or any of their hands, of the rates for the relief of the poor; and if they or any of them shall not have sufficient of such money for that purpose, then such overseers shall, and they are hereby required to make a rate sufficient to satisfy such rate and assessment; and it shall be lawful for the said overseers to levy and collect the same in such manner as rates made for the relief of the poor, or any other rates made for the purposes of this act, may be levied and collected.

* This refers to a rate to be made by the justices of the quarter sessions upon every county, hundred, parish, tithing, or place, for which the quota required under this act shall not have been raised and completed by a certain time.

Militia of the Tower Hamlets.

By the said act 42 Geo. III. c. 90, (*viz. the Regular* ^{42 Geo. III. c. 90.} *Militia Act, see ante p. 82.*) Sect. 153, after reciting that the Militia of the Tower Hamlets are raised and regulated by 37 Geo. III. cc. 25 and 75, and that the ^{37 Geo. III. cc. 25 & 75.} same are thereby made subject to certain of the provisions contained in 26 Geo. III. c. 107, by this ^{26 Geo. III. c. 107.} act repealed, it is enacted, that, from and after the passing of this act, all and every the clauses, provisions, powers, authorities, punishments, bounties, penalties, forfeitures, matters, and things in this act contained, in relation to any persons, acts, matters, and things as to which the said act 26 Geo. III. c. 107, or any of the clauses or provisions thereof, were in force or applicable as to the said militia, shall from and after the passing of this act, be applied, practised, and put in full force as to all such persons, matters, and things, as far as the same can be applied, and are not contrary to any of the provisions of the said respective acts, or either of them, as fully and effectually in all respects, as if the said acts and this act, and the respective provisions thereof, were consolidated into one act: Provided always that nothing in this act contained shall be construed to extend to repeal any of the provisions of the said acts, or either of them, other than such

as are in and by the said acts made subject to the rules, regulations, clauses, powers, and provisions of the said recited act of the twenty-sixth year aforesaid.*

Militia of the City of London.

1 Geo. IV.
c. 100.
Certain acts
repealed.

By 1 Geo. IV. c. 100, intituled "An act for amending and reducing into one act of Parliament, two several acts, passed in the thirty sixth and thirty ninth years of the reign of his late Majesty King George the Third, for the better ordering and further regulating of the Militia of the City of London:" Sect. 1, It is enacted, that the said recited acts (*viz. the acts mentioned in the title*) should be, and the same are thereby repealed.

Powers of
regular militia
acts extended
to this act.

Sect. 42. All the powers and authorities, clauses, provisions, rules, and regulations of any act or acts of Parliament that then were or thereafter should be in force for regulating the militia in England, or the pay of the same, and for the regulating of the number of officers, non-commissioned officers, drummers and

* The purport of this clause is to make the present (42 Geo. III. c. 90,) instead of a previous act, applicable in certain respects to the militia of the Tower Hamlets.

fifers, to be serving in the said militia, and in all other respects whatsoever, so far as the same are not altered or varied by this act, and can be made applicable thereto, shall extend and be applied and be put in force as to the militia to be raised by virtue of this act, as fully and effectually as if the same were severally and separately re-enacted in and made part of the body of this act.*

Sect. 11. The aldermen or deputies, and common council-men of the several wards of the said city and liberties, or the major part of them, shall from time to time, as occasion may require, make an equal rate upon all and every person and persons, &c. who do or shall inhabit, hold, occupy, possess, or enjoy any land, house, shop, warehouse, vault, cellar, or other tenements or hereditaments, within the said several wards, and the liberties and precincts within the same, regard being had in making the said rate to the abilities of, and likewise to the rent paid by the said several person and persons, &c. to defray the expense of raising and maintaining the quota ^{Rate to be made.}

* Under this general reference, Friends would be entitled to any privileges contained in the regular militia acts, in their favour; but as the militia in London is raised by bounty, and not by ballot, the clauses respecting Friends being drawn, &c. do not there come into operation. They are, however, liable to be distrained upon for their proportion of rates, for the payment of bounties under Sect. 13, of the London militia act, *see post*, page 100.

or number of men to serve in the said militia, and all other incidental charges relating thereto.

Appeal
against rate.

Sect. 12. In case any person or persons shall think him, her, or themselves aggrieved by any rate or assessment to be made as aforesaid, it shall and may be lawful for them respectively to appeal to the Court of Mayor and Aldermen of the said city, whose decision shall be final and conclusive: Provided, that notice of such appeal shall be left in writing, at the office of the town clerk of the said city, within ten days after the sum so rated and assessed, shall be demanded; and such appeal shall be made to the next Court of Mayor and Aldermen of the said city, after such notice shall be so left as aforesaid.

Rates may be
levied by
distress.

Sect. 13. If any person or persons, &c. who shall be rated and assessed by virtue and in pursuance of this act, shall refuse or neglect, by the space of fourteen days next after his or their respective rate or rates, assessment or assessments, shall be due, and demanded by the collector or collectors, authorised and appointed, either by the alderman, or his deputy and common council-men for the time being, in each ward, or the major part of them, or by the said commissioners, (*viz. commissioners of*

lieutenancy) in case the said alderman, deputy, and common council-men, or the major part of them, shall refuse, omit, and neglect to make the rate or assessment, and appoint collectors to collect and receive the same, such demand being left in writing by the said collector or collectors at the land, house, shop, warehouse, vault, cellar or other tenement, hereditaments, premises, or other property, possessed, rented, or occupied by him, her, or them, to pay such rate or rates, assessment or assessments, so demanded as aforesaid, (unless notice of appeal shall have been left as aforesaid) or if any such notice be left, and if such appeal shall not be made accordingly at the next court of mayor and aldermen of the said city, as aforesaid ; then, and in every such case, it shall and may be lawful to and for such collector or collectors, every or any of them, having a warrant or warrants under the hand and seal of the mayor or any other magistrate of the said city, which warrant or warrants the said collector and collectors is and are hereby required to apply for, and the mayor, or any other magistrate of the said city, is hereby authorised and required to grant, and with the assistance of a constable or any peace officer of the ward, county, city, or liberty, where the person or persons so refusing or neglecting shall reside, there to seize and distrain any of the goods

and chattels of the person or persons so neglecting or refusing to pay ; and if the same shall not be replevied, or such rate or assessment paid within five days next after such distress made, together with the costs and charges thereof, then to appraise and sell so much and such parts of the said goods and chattels as shall be sufficient to pay the said rate or assessment, and the costs and charges attending such distress and sale, returning the overplus (if any) to the owner or owners of such goods and chattels ; and the said costs and charges to be settled and allowed by the said mayor or other magistrate who shall have granted such warrant or warrants respectively : Provided that no distress shall by virtue of this act be made out of the limits of the said city or liberties thereof, unless such warrant or warrants respectively shall be first backed or countersigned by some magistrate of the county, city, or liberty, where such distress is proposed to be made, which warrant or warrants any magistrate who shall be applied to for that purpose shall forthwith, and is hereby authorized and required, to back or countersign without fee or reward.

How the
charges of
militia are to
be defrayed.

Sect. 35. For defraying the necessary charges and incidental expenses of the said militia, it shall be lawful for the said commissioners to continue to

raise and levy as heretofore, in every year the proportion of one month's tax, amounting to four thousand six hundred and sixty six pounds thirteen shillings and four pence, which the said city hath been used to pay by virtue of 13 and 14 Chas. II. and no warrant shall be issued for the raising of any trophy money, till the justices, at some general or quarter sessions for the said city, shall have examined and allowed the accounts of the trophy money last raised, levied, and collected, and certified such examination of the accounts, under the hands and seals of three or more of such justices, to the said commissioners.

Miners in Cornwall and Devon.

By 42 Geo. III. c. 72, intituled “ An act for repeal- ^{42 Geo. III. c. 72.}
 ing an act, made in the thirty eighth year of the reign of his present Majesty, intituled, ‘ An act for raising a body of miners in the counties of Cornwall and Devon, for the defence of the kingdom during the present war;’ and for the more effectually raising and regulating a body of miners for the defence of Great Britain:” It is (Sect. 16) provided, that if any person ballotted to serve in the said regiment, shall be one of the people called

respect to such person, as may be
to a Quaker ballotted to serve
England; (*See Regular Militia*,
and every the provisions with res
called Quakers, in the several a
militia forces of England, shall be
cution in the levying of men to b
of this act, in the same manner,
amply as if the same had been rep
in the body of this act.

Annual Training.

46 Geo. III.
c. 90.
Certain per-
sons not
exempt.

By 46 Geo. III. c. 90, intituled “
his Majesty annually to train and e
tion of his subjects in England, un
lations, and more effectually to
defence of the Realm,”* It is en
that no artied clerk, nor apprentic
man who has more than one child,
nor any person serving by substitute
or under any act for raising any add
the defence of the realm, shall by r
exempt from this act.

* This act not having, so far as the Compiler obs
is here noticed ; though he apprehends it was viri
the establishment of the local militia.

Sect. 20.* If any person, being one of the people Friends exempt on payment of £7 to 20s. called Quakers, or of the people called Unitas Fratrum, or United Brethren, who shall be ballotted under this act, shall produce before any of the deputy-lieutenants at any sub-division meeting, or any two deputy-lieutenants or justices of the peace, a certificate under the hands of two or more respectable housekeepers, being of the people called Quakers, or of the people called Unitas Fratrum, or United Brethren, resident within the county, or place of residence, of such person, and dated within three months immediately preceding the day on which such certificate shall be produced, acknowledging such person to be one of their persuasion, such person shall not be enrolled for training or exercise, or if he shall have been enrolled, shall be struck out of the enrolment; and it shall be lawful for any such deputy-lieutenants or justices to adjudge any such person to pay such proportion of fines imposed by this act, on persons enrolled for non-attendance at training and exercising, not exceeding seven pounds, nor less than twenty shillings, for the year in which he shall have been so ballotted, as to such deputy-lieutenants or justices may appear Ante p. 84. note.

* In balloting for the persons to be trained under this act, recourse is to be had to the returns of men between the ages of 18 and 45, made under any act or acts relating to the militia.

to be proper, according to the situation in life, and property of such person, and the amount of fine so adjudged by such deputy-lieutenants or justices may be levied by distress and sale of the goods and chattels of such person, by warrant under their hands and seals, (the overplus, if any, after deduction of reasonable charges, being rendered to the party,) and if no goods or chattels can be found, then they may commit him to prison, for any time not exceeding fourteen days, unless such sum be sooner paid.

A form applicable to the certificate required by this clause, may be seen in page 84, note.

Justices may
appoint
deputies for
Friends refus-
ing to act as
constables,
&c.

Sect. 21. If any constable, head-borough, tithing-man, or overseer shall be of the people called Quakers, (and so certified to be by two Quakers) and shall neglect or refuse to perform the duties required by this act, any two justices acting within that division shall, if they think it expedient, by their order, under their hand and seal, appoint a fit person to be such Quaker's deputy, for the purposes only of this act, who shall act and be subject to the provisions of this act as the person originally appointed, and such person shall be altogether discharged from the duties required and penalties imposed by this act.

Sect. 28. The lieutenant or deputy-lieutenants at any general meeting, and the deputy-lieutenants within their respective sub-divisions, may, when they judge it expedient, appoint from those who under this act would be exempt from enrolment, such a number of those usually resident in any parish, who may be willing to undertake the duty of constables under this act, to be special constables for all or any of its provisions within such parish as they shall think fit, or to appoint any persons to act as constables instead of Quakers, according to any militia act, and the deputy-lieutenant shall cause the names of such special constables to be given to the chief constable or other proper officer of the district, and such special constables shall do all things in this act contained, as any other constables may.

General and sub-division meetings may appoint special constables out of persons exempt from military service.

Local Militia.

By 52 Geo. III. c. 38, intituled "An act for amending the laws relating to the Local Militia in England;"* It is enacted (Sect. 21) that all such

75 Geo. III. c. 38. Provisions of former acts to extend to this.

* This act repeals sundry preceding acts on the subject of the local militia, the first of which is 48 Geo. III. c. 3.

The local militia in Scotland, is raised and regulated by 52 Geo. III. c. 68, by Sect. 19, of which certain powers of former acts relating to the

powers, provisions, rules, regulations, clauses, matters, and things contained in the forty-second year of George Third, chapter ninety, forty-sixth year of George Third, chapter ninety-one, and forty-ninth year of George Third, chapter eighty-two, or in any other act relating to the militia, as relate to the appointing and holding general and sub-division meetings of lieutenancy, or to the making out lists from which to ballot, or to the mode of balloting shall, as far as the same are applicable and can be applied to and for the purposes of carrying this act into execution, and are not hereby altered, varied, or repealed, be used, exercised, applied and put in force, with respect to the local militia, in as full and ample a manner as if the said powers, provisions, rules, regulations, clauses, matters, and things, were re-enacted and repeated in this act.*

Men to be
ballotted out
of the militia
lists.

Sect. 23. The men to be raised under this act, shall be ballotted out of and from the persons between the ages of eighteen and thirty returned in the lists now existing, or which may hereafter be returned or

regular militia are extended to this act: Sect. 25, is similar to Sect. 27, of the English act, both relate to Friends who may be constables, &c. and Sect. 49, is nearly the same as Sect. 50, of the English act; both of them contain special provisions respecting Friends who may be balloted.

* By virtue of this general reference Sect. 27, of the militia act, 42 Geo. III. c. 90, is in force in the execution of this act. Vid. p. 82.

amended and corrected for the raising of the militia under any acts relating to the militia of England.

Sect. 24. On making out or amending any lists after the passing of this act, of persons fit to serve in the local militia, every person who shall wilfully neglect to appeal,* within the time appointed for that purpose, shall forfeit for every such offence any sum not exceeding five pounds, nor less than twenty shillings, at the discretion of any two or more deputy-lieutenants, or justices of the peace, or magistrates, and on non-payment thereof, be imprisoned, at the discretion of any two or more deputy-lieutenants, or justices of the peace, or magistrates, as aforesaid, for any time not exceeding fourteen days.

Penalty for neglecting to appeal.

Sect. 27. If any chief or other constable, head-borough, tithing-man or overseer, shall be of the people called Quakers, (and certified to be so by two persons of the people called Quakers) and shall neglect or refuse to perform the duties required by this act, it shall be lawful for any two justices of the peace acting for the division within which such Quaker shall be such officer as aforesaid, and they are hereby required, in all cases where the circumstances of the case shall in their judgment render it

Justices may appoint deputies to Friends for carrying the act into execution.

Ante p. 84, note.

* This is applicable to every person who has some legal ground of objection to the return of his name.

expedient and necessary for the due execution of the provisions of this act, by their order under their hands and seals, to appoint a fit and proper person (*who, by Sect. 25, must be above thirty years of age,*) to be deputy to such Quaker, for the purpose only of carrying this act into execution; and every such person so appointed deputy as aforesaid, shall have and exercise all the powers, authorities and jurisdictions, given by this act, to such officer for whom he shall so act, and shall do and perform all the like duties and offices, under the like pains, penalties and forfeitures, as are hereby imposed for neglect of duty of any such officer as aforesaid, in like manner, in every respect, as the person for whom he shall so act; and where an appointment of any deputy shall be so made, the principal chief constable, head-borough, tithing-man or overseer, (being one of the people called Quakers) shall be, and he is hereby discharged from the performance of any duty required of him by this act, and from all penalties incurred for neglect thereof, after the time of such appointment.

Rate may be made for paying volunteers' bounties, not exceeding two guineas each.

Sect. 36. If the churchwardens or overseers of the poor of any parish, tithing, or place, shall, with the consent of the inhabitants, taken at a vestry, or at any other meeting to be holden for that purpose, for the calling of which vestry or meeting three days

public notice shall be given, specifying the cause of calling such vestry or meeting, provide and produce to the said deputy-lieutenants, or any two or more of them, at any sub-division meeting for choosing the local militia men by ballot, any volunteer or volunteers, being of the same county, riding or place, or of some adjoining parish or place, who shall be examined and approved, as is hereinafter mentioned, such volunteer or volunteers so examined and approved, shall be then and there sworn in and enrolled to serve for such term, and on the same conditions as are hereinbefore provided in case of persons chosen by ballot; and the said deputy-lieutenants shall cause only such number of persons to be chosen by ballot out of the list returned for such parish, tithing, or place, as shall be then wanted to make up the whole number to serve for such parish, tithing, or place; and if any such churchwardens or overseers shall give to such volunteer or volunteers, any sum or sums of money, not exceeding two guineas each, to serve in the local militia, for such parish, tithing, or place, it shall be lawful for such churchwardens or overseers to make a rate*

* This must be distinct from the poor's rate; as clearly appears not only from the terms, "*A Rate—according to the rate then made for the relief of the poor:*" but also from the consideration that persons serving in the local militia, &c., though assessed to the poor's rate, are not liable to the payment of this.

upon the inhabitants of such parish, tithing, or place, according to the rate then made for the relief of the poor, which rate (being approved by any justice of the peace) it shall be lawful for such churchwardens or overseers to collect, and to reimburse themselves such sum or sums of money as they shall have paid to such volunteer or volunteers as aforesaid, and the overplus (if any) shall be applied as part of the poor's rate: and if any person shall refuse to pay such rate, it shall be lawful for any justice of the peace, upon complaint thereof made by any such churchwarden or overseer, by warrant under his hand and seal, to levy the same by distress and sale of the offender's goods and chattels, returning the overplus, (if any) after the said rate, and the charges of such distress and sale shall be paid; but no person who shall be then serving in the local militia, nor any person serving either personally or by substitute in the regular militia, shall be liable to pay any such rate: Provided always, that if any person shall think himself aggrieved by any such rate as aforesaid, such person may appeal to the next general or quarter sessions, in like manner as is provided in the case of appeals against rates for the relief of the poor.

Refusal to
pay rate.

Vid. Sect. 53.
post.

Certain persons exempt
from service.

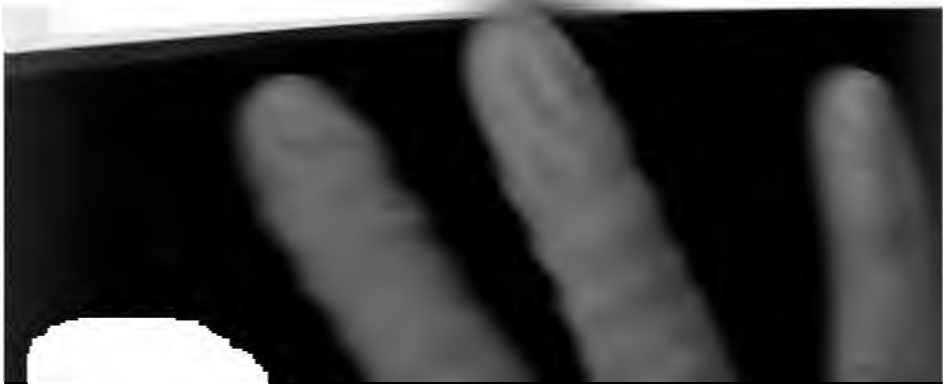
Sect. 38. No constable or peace officer, not being

a special constable, nor any seaman or seafaring man, nor any person being free of the Company of the Watermen of the River Thames, nor any poor man who has more than two children, born in wedlock, nor any person receiving his education on an eleemosynary foundation, shall be liable to serve in the local militia ; and no person having served personally in the regular militia, or additional force, (*viz. the army of reserve*) or provided any substitute, or for whom any substitute has been provided, or paid any fine for not serving or finding a substitute in the regular militia, or such additional force as aforesaid, shall be liable to serve in the local militia until four years after the expiration of his period of service, if he shall have served in person, or six years after the period at which such substitute shall have been enrolled, or four years after having paid any such fine ; and no person having paid any fine, or upon whom distress has been made for any fine for not serving in the local militia, shall be liable to serve until the expiration of two years, from the period of having paid such fine, or suffered such distress.

Sect. 44. If any person ballotted to serve in the local militia under this act, shall after notice given to him, or left at his usual or last place of abode, of his having been so ballotted, refuse or neglect to

Persons
ballotted, not
appearing to
be enrolled,
shall be fined.

for which he shall have been so banished
times and places shall be appointed by the
lieutenants in their respective sub-divisions
any order of the lieutenant of the county,
thereof given by the constables of the
parishes, by putting up the same on church
or other conspicuous places) and be enrolled
this act, and take the oath to serve under
such person shall forfeit the sum of thirty
or if a person not having or receiving
sum of money, profits, gains, allowance
income whatsoever, amounting in the whole
hundred pounds, clear of all out-goings, taxes,
prizes, the sum of twenty pounds ; and if
in the whole to one hundred pounds,
out-goings, taxes, or prizes, the sum of ten
and every such fine shall be paid to the clerk
sub-division meetings, who shall on receipt
give a certificate, without fee or reward,
being paid, which certificate shall be countersigned
by some justice of the peace or deputy
and shall within twenty one days after
thereof, pay the same into the Bank of England
separate account of the agent general for
militia, for the purposes of the local mili



Britain, being furnished with a receipt for the same, and the payment of such fine shall exempt such person from being ballotted and enrolled under this act for two years and no longer : and such person shall be liable to be ballotted and enrolled in the year next but one after that in which he shall have been so ballotted as aforesaid, and in like manner to serve or pay such fine as aforesaid, and so in each second succeeding year.

Fines to exempt for two years only.

Sect. '46. Every person claiming to be exempted from service under this act, upon payment of the fine of twenty pounds, or ten pounds, instead of thirty pounds, shall sign a declaration that the amount of his income does not exceed two hundred pounds, or one hundred pounds, as aforesaid, as the case may be, and shall deliver the same to the deputy-lieutenant, before whom he shall appear to claim such exemption, or produce a certificate to the like effect, allowed by any commissioners under any act relating to the rates and duties arising on property, professions, trades, and offices, or to any allowances made on any such rates and duties, within twelve months, previous to the production of such certificate ; and every person who shall make any false declaration in relation to any such claim, shall forfeit and pay for

Persons claiming exemption on payment of smaller fines, to sign a declaration of their income.

such offence, the sum of fifty pounds, in addition to such fine.

**Persons to
sign a declara-
tion that they
have not
insured.**

Sect. 47. Every person claiming to be exempted from service, under this act, upon payment of fine as aforesaid, and every person who shall be liable to the payment of any fine under this act, for not appearing to be enrolled in the local militia, shall be summoned and required to appear before some deputy-lieutenant or justice of the peace, and shall be required by the deputy-lieutenant before whom he shall appear to claim such exemption, or by such deputy-lieutenant or justice of the peace before whom he shall be so summoned and required to appear, as aforesaid, to sign a declaration that he hath not, directly or indirectly, by any policy,* premium, or promise of any policy or premium, or by any engagement, insured himself against such fine, or any part thereof, and that no person or persons hath or have, directly or indirectly, in consideration of any sum of money, or promise of any sum of money, or gift or reward, or for any valuable consideration whatever, undertaken, engaged, or promised, in any way, to indemnify him therefrom, or

* By Sect. 34, a penalty of fifty pounds is imposed for being any ways concerned in insuring against or for any fine under the act.

from any part thereof, or to repay to him, or to any person or persons on his behalf, or for his use, benefit, or advantage, the said fine, or any part thereof; and in case any person so claiming to be exempt, or so summoned or required to appear as aforesaid, shall refuse so to sign such declaration, or so to appear according to such summons or requisition, or shall make any false declaration in that behalf, every such person shall, upon conviction thereof before two justices of the peace, forfeit three times the amount of such fine; and in default of payment thereof, shall be confined in any house of correction, or common gaol for such county, for any period not exceeding three months, or until payment of such penalty; and shall be liable personally to serve in the said local militia for the full term of four years after the expiration of such imprisonment, or the payment of such penalty.

Sect. 50. If any person being of the people Friends not to be enrolled, but liable to certain fines. called Quakers, or of the people called Unitas Fratrum, or United Brethren, who shall be ballotted under this act, shall produce before the deputy-lieutenants of any sub-division meeting, or any two deputy-lieutenants, or justices of the peace, a certificate under the hands of two or more respectable Ante p. 84, note. house-keepers, being of the people called Quakers,

or of the people called Unitas Fratrum, or United Brethren, resident within the county or place of residence of such person, and dated within three months immediately preceding the day on which such certificate shall be produced as aforesaid, acknowledging such person, to be one of their persuasion, such person shall not be enrolled; and it shall be lawful for any such deputy-lieutenants or justices to adjudge any such person to pay such proportion of such fines,* as are by this act imposed on persons ballotted and not appearing, as to such deputy-lieutenants or justices may appear to be proper, according to the situation in life and property of such person; and the amount of fine so adjudged by such deputy-lieutenants or justices may be levied by distress and sale of the goods and chattels of such persons, by warrant under their hands and seals, (the overplus, if any, after deducting of reasonable charges, being rendered to the party;) and if no goods or chattels can be found whereby the sum so imposed upon such Quaker or United Brother can be levied, and the deputy-lieutenants or

Auto p. 114.

Distress.

* These fines are specified in Sect. 44, and it is to be understood by the words "*Such proportion of such fines*," such proportion of the sums of £30, £20, or £10 respectively, as to the deputy-lieutenants or justices may appear to be proper, according to the situation in life and property of the person ballotted. A power is thus vested in them to reduce the fine, with regard to the people called Quakers, to any sum in their discretion.

justices shall nevertheless upon enquiry be satisfied that such Quaker or United Brother *is of sufficient ability to pay such fine of ten pounds*, then it shall be lawful for any deputy-lieutenant or justice of the peace, if he shall think fit,* to commit such Quaker or United Brother to prison, there to remain for any time not exceeding one month, unless such sum shall be sooner paid and satisfied: provided always, that no Quaker or United Brother so committed as aforesaid shall be confined among felons.

A form of the certificate required in this clause may be seen in the note in page 84.

Sect. 51. Every person liable to serve in the local militia, having more than one place of residence, shall serve for the county, riding, or place, where his name shall have been first inserted in such list as aforesaid; and the clerk to the subdivision meeting to which such list shall be returned, shall, if such person requires the same, grant a certificate gratis under his hand, that such person's name was inserted in such list, and specifying the time when such list was made and returned.

Persons having more than one place of residence.

* From this it would appear that if a Friend is not of sufficient ability to pay the sum of £10, he is not liable to either fine or imprisonment, and it is obvious that a person who, though of ability to pay the sum of £10, has no distrainable effects, may be spared the penalty of imprisonment.

Vid. p. 84,
note.

peace, that any Quaker or Quakers has
pay the sum or sums of money he or the
rated at, such justice shall order such
charges to be paid for levying such distr
shall think reasonable, not exceeding ten s
each of the said Quakers, where there are
than two, and where there are a greater num
two, not exceeding five shillings on each o
Quakers: Provided always, that no man
deemed, taken and accepted to be a Quak
the meaning of this act, unless he shall
before the deputy-lieutenants at some of
division meetings, a certificate under the
two or more reputable housekeepers, bein
people called Quakers, resident within
county, riding, or place, and dated within
months immediately preceding the day on
shall be produced as aforesaid, acknowledg
man to be one of their persuasion.

*A form is given in a note p. 84, as applica
certificate required by this clause.*

Sect. 55. Whenever it shall appear to any two Persons chosen by ballot unfit for service. or more deputy-lieutenants, or any one deputy-lieutenant and one justice of the peace assembled at any sub-division meeting, that any person chosen by ballot to serve in the local militia, is unable to serve from any permanent illness, debility, or bodily infirmity, or is not of the full height of five feet two inches, or is not approved upon examination, by a surgeon according to the directions of this act, such deputy-lieutenants or such deputy-lieutenant and justice of the peace shall and are hereby empowered and required to discharge such person, and immediately to amend the list for the place for which such person shall have been ballotted, and to cause another person to be chosen in his stead, by ballot, according to the directions of this act.

Sect. 101. When the local militia shall be called Mode of procedure in providing carriages. out to be trained and exercised, or for the suppression of riots or tumults, any justice being thereunto required (*as in the act is mentioned*) shall issue his warrant to the constables, &c. requiring them to provide carriages to convey the arms, clothes, accoutrements, ammunition, and other stores, with able men to drive such carriages; and every such constable, &c. shall order and appoint such persons having carriages, within their respective hundreds,

&c. as they shall think proper, to provide and furnish such carriages and men, according to the warrant aforesaid ; and every person so ordered is required to provide and furnish the same accordingly for one day's journey and no more.

Overseers to
pay sums
assessed for
men deficient
out of poor
rates.

Sect. 179. The overseers of the poor of the several parishes and tithings, upon which any rate or assessment shall have been made *as in the said act aforesaid,** shall within fourteen days after notice from the clerks of the sub-divisions, pay the amount of the rate or assessment, made upon their respective parishes or tithings, out of any money in their or any of their hands, of the rates for the relief of the poor ; and if they or any of them shall not have sufficient of such money for that purpose, then such overseers shall, and they are hereby required to make a rate sufficient to satisfy such rate and assessment, and it shall be lawful for the said overseers to levy and collect the same in such manner as rates made for the relief of the poor, or any other rates made for the purposes of this act may be levied and collected.

Sect. 190. If any person shall think himself or

* This refers to a rate to be made by the justices of the quarter sessions upon every county, hundred, or parish for which the full number of men required under this act shall not have been ballotted and enrolled before certain days in the act mentioned.

herself aggrieved by any such rate as aforesaid, such person may appeal to the next general or quarter Appeal sessions, in such manner as is provided in cases of appeal against rates for the relief of the poor.

By 53 Geo. III. c. 28, intituled "An act to explain and amend an act passed in the last session of Parliament for amending the laws relating to the local militia in England." Sect. 8, No return or list or ballot shall be deemed irregular, by reason of any mistake in the christian name of the person returned and ballotted, and all the penalties of 52 Geo. III. c. 38, shall be enforced against the person so returned and ballotted in like manner in every respect as if the christian name had been correctly returned; provided, that notice of the person being ballotted shall have been given to the person so ballotted according to the provision of the said act: provided always, that every person so returned and ballotted under any wrong christian name as aforesaid, shall be entitled to claim any exemption to which he may be entitled after being so ballotted, and although the days and times for hearing appeals shall have passed.

53 Geo. III.
c. 28.
Lists not irregular on account of mistakes of names.

Providing
carriages.

By the act annually passed, intituled “
for punishing mutiny and desertion; and
better payment of the army and their qu
provision is made enabling a justice on such
cation as is therein mentioned to issue his wa
the constables, requiring them to make su
vision of carriages and horses or oxen, wi
men to drive the same, as is mentioned in t
warrant: And the constables shall order
point such persons having carriages withi
respective liberties as they shall think pr
provide and furnish such carriages and ho
oxen and men, according to the said warra
are thereby required to furnish and provide t
accordingly.

Cases of
emergency.

And also *empowering the justices in cases*
gency to be certified to them as therein is me
to issue their warrants to the constables, r
them to provide saddle horses, coaches, chai
other four-wheeled carriages usually let to h
also boats, barges, and other vessels used u
canal or navigable river, with able men and
to drive, navigate, and draw the same, as

mentioned in such warrants: And the constables so required, shall order and appoint such persons within their respective limits as they shall think proper, to provide and furnish such horses, carriages, boats, barges, or other vessels, and men, according to the warrants aforesaid, who are thereby required to furnish the same accordingly.

And also providing that if any person appointed **Penalties.** by such constable, to furnish any carriage, man, horse, boat, barge, or other vessel, shall refuse or neglect to provide the same; or if such person or any other person or persons whomsoever shall wilfully do any act or thing whereby the execution of any such warrant shall be hindered or frustrated, every such person or persons so offending, shall for every such offence forfeit any sum not exceeding five pounds, nor less than forty-shillings, to the use of the poor of such parish or parishes adjoining to the parish where such offence shall be committed, as shall be fixed upon by the justice by whom such offence shall be heard: And all and every such offence and offences shall and may be inquired of, heard, and finally determined by one justice, dwelling in or near the place where any such offence shall be committed, who has thereby power to cause the said penalty to be levied by distress and sale of

plus (if any) to the owner.

And in another act annually passed, i
“An act for the regulation of Her Majesty
Marine forces while on shore,” provisions si
the foregoing are contained.

MARRIAGE.

IN an act of the 26 Geo. II. c. 33, intituled “An ^{26 Geo. II. c. 33.} act for the better preventing of clandestine mar- ^{Repealed by 4 Geo. IV. c. 76, post.} riages,” it is provided, that nothing in the said act contained shall extend to that part of Great Britain called Scotland, nor to any marriages among the people called Quakers, or amongst the persons pro- ^{Exemption.} fessing the Jewish religion, where both the parties to any such marriage shall be of the people called Quakers, or persons professing the Jewish religion respectively, nor to any marriages solemnized beyond the seas.

And in the acts 3 Geo. IV. c. 75, intituled “An ^{3 Geo. IV. c. 75.} act to amend certain provisions of 26 Geo. II. for the better preventing of Clandestine Marriages,” and 4 Geo. IV. c. 76, intituled “An act for amend- ^{4 Geo. IV. c. 76.} ing the Laws respecting the solemnization of marriages in England,” similar provisions are contained, and by the last act the 26 Geo. II. c. 33, and 4 Geo. IV. c. 17, are repealed, and by 5 Geo. IV. ^{5 Geo. IV. c. 68.} c. 68, intituled “An act to repeal an act passed in ^{Marriages in Newfoundland.} the fifty-seventh year of the reign of his late Majesty King George the Third, intituled ‘*An act to regulate the celebration of Marriages* in Newfoundland; and

tained relating to marriages in Newfour
extend to any marriages amongst the
Quakers, or amongst the persons professing
religion, where both the parties to any su
shall be of the people called *Quakers*.
professing the Jewish religion respective.

6 & 7 Will.
IV. c. 85.

Provision for
the marriage
of Friends.

Proviso.

Notice of
every in-
tended mar-
riage to be
given to the
Superinten-
dent Registrar
of the district.

By 6 and 7 Will IV. c. 85, intituled
marriages in England," it is by Sect. 2 en
the Society of Friends commonly called *Q*
also persons professing the *Jewish* religion
tinue to contract and solemnize marriage, a
the usages of the said society, and of the s
respectively; and every such marriage,
declared and confirmed good in law, provid
parties to such marriage be both of the sa
or both persons professing the Jewish re
spectively; provided also, that notice to th
shall have been given, and the registrar's
shall have issued in manner hereinafter pr

Sect. 4 enacts, that in every case of ma
tended to be solemnized in *England* after
day of *March*, 1837, (altered by 7 Will. I

the last day of June,) according to the rites of the Church of *England*, (unless by license or by special license, or after publication of banns,) and in every case of marriage intended to be solemnized in *England* after the said first day of March, according to the usages of the Quakers or Jews, or according to any form authorized by this act, one of the parties shall give Notice under his or her hand, in the form of Schedule (A) to this act annexed, or to the like effect, to the Superintendent Registrar of the District within which the parties shall have dwelt for not less than seven days then next preceding, or if the parties dwell in the Districts of different Superintendent Registrars, shall give the like Notice to the Superintendent Registrar of each District, and shall state therein the name and surname and the profession or condition of each of the parties intending marriage, the dwelling place of each of them, and the time, not being less than seven days, during which each has dwelt therein, and the church or other building in which the marriage is to be solemnized: Provided Proviso. that if either party shall have dwelt in the place stated in the notice during more than one calendar month, it may be stated therein that he or she hath dwelt there one month and upwards.

Sect. 5 enacts, That the Superintendent Registrar Superintendent Registrar

to keep notices in a book.

shall file all such notices, and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices fairly into a book, to be for that purpose furnished to him by the Registrar General, to be called "The Marriage Notice Book," the cost of providing which shall be defrayed in like manner as the cost of providing register books of births and deaths ; and the marriage notice book shall be open at all reasonable times without fee to all persons desirous of inspecting the same ; and for every such entry the Superintendent Registrar shall be entitled to have a fee of one shilling.

Inspection of book.

Fee.

After 7 days or 21 days, certificate of notice to be given on demand.

Sect. 7 enacts, That after the expiration of seven days, if the marriage is to be solemnized by license, or of twenty-one days, if the marriage is to be solemnized without license, after the entry of such notice, the Superintendent Registrar, upon being requested so to do by or on behalf of the party by whom the notice was given, shall issue under his hand a certificate in the form of Schedule (B) to this act annexed, provided that no lawful impediment be shown to the satisfaction of the Superintendent Registrar why such certificate should not issue, and provided that the issue of such certificate shall not have been sooner forbidden in manner hereinafter mentioned by any person or persons authorized in

that behalf as hereinafter is provided; and every such certificate shall state the particulars set forth in the notice, the day on which the notice was entered, and that the full period of seven days or of twenty-one days, (as the case may be,) has elapsed since the entry of such notice, and that the issue of such certificate has not been forbidden by any person or persons authorized in that behalf; and for every such certificate the Superintendent Registrar shall be entitled to have a fee of one shilling. Fee.

Sect. 9 enacts, That any person authorized in that behalf may forbid the issue of the Superintendent Registrar's certificate, by writing at any time before the issue of such certificate the word "*forbidden*," opposite to the entry of the notice of such intended marriage, in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her character, in respect of either of the parties, by reason of which he or she is so authorized; and in case the issue of any such certificate shall have been so forbidden, the notice and all proceedings thereupon shall be utterly void.

Issue of Superintendent Registrar's certificate may be forbidden.

Sect. 14 enacts, That after the said first day of *March*, no marriage after such notice as aforesaid, unless by virtue of a license to be granted by the

Marriages not to be solemnized until after 21 days after entry of notice, unless by license.

Superintendent Registrar, shall be solemnized or registered in *England* until after the expiration of twenty-one days after the day of the entry of such notice as aforesaid; and no marriage shall be solemnized by the license of any Superintendent Registrar or registered until after the expiration of seven days after the day of the entry of such notice as aforesaid.

Marriage by
license.

Sect. 15 enacts, That whenever a marriage shall not be had within three calendar months after the notice shall have been so entered by the Superintendent Registrar, the notice and certificate, and any license which may have been granted thereupon, and all other proceedings thereupon, shall be utterly void; and no person shall proceed to solemnize the marriage, nor shall any Registrar register the same, until new notice shall have been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

New notice
required after
three months.

Sect. 16 enacts, That the Superintendent's certificate, or in case the parties shall have given notice to the Superintendent of different districts, the certificate of each Superintendent, shall be delivered to the Officiating Minister, if the marriage shall be solemnized according to the rites of the Church of *England*; and the said certificate or license shall be

Superintendent
Registrar's
certificate or
license to be
delivered to
the person by
or before
whom the
marriage is
solemnized.

delivered to the Registering Officer of the people called *Quakers* for the place where the marriage is solemnized, if the same shall be solemnized according to the usages of the said people; or to the Officer of a Synagogue by whom the marriage is registered, if the same shall be solemnized according to the usages of persons professing the Jewish Religion; and in all other cases shall be delivered to the Registrar present at the marriage, as hereinafter provided.

Sect. 39 enacts, That every person who after the said first day of *March*, shall knowingly and wilfully solemnize any marriage in *England*, except by special license, in any other place than a church or chapel in which marriages may be solemnized according to the rites of the church of *England*, or than the registered building or office specified in the notice and certificate as aforesaid, shall be guilty of felony (except in the case of a marriage between two of the Society of Friends commonly called *Quakers*, according to the usages of the said society, or between two persons professing the Jewish religion, according to the usages of the Jews;) and every person who in any such registered building or office shall knowingly and wilfully solemnize any marriage in the absence of a Registrar of the District in which such registered building or office

Persons unduly solemnizing marriage, guilty of felony.

is situated shall be guilty of felony; and every person who shall knowingly and wilfully solemnize any marriage in *England* after the said first day of *March* (except by license) within twenty-one days after the entry of the notice to the Superintendent Registrar as aforesaid, or if the marriage is by license, within seven days after such entry, or after three calendar months after such entry, shall be guilty of Felony.

Schedule (A.)

Notice of Marriage.

To the Registrar of the District of *Hendon*, in the County of *Middlesex*.

I hereby give you notice, That a marriage is intended to be had within three calendar months from the date hereof, between me and the other party herein named and described; (that is to say,)

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which marriage is to be solemnized.	District and County in which the other party resides, when the parties dwell in different districts.
<i>James Smith.</i>	<i>Widower.</i>	<i>Carpenter.</i>	<i>off full age.</i>	<i>14, High Street.</i>	<i>23 days.</i>	<i>Sion Chapel, West Street, Hendon, Middlesex.</i>	<i>Tonbridge, Kent.</i>
<i>Martha Green.</i>	<i>Spinster.</i>	<i>... ..</i>	<i>Minor.</i>	<i>Grove Farm.</i>	<i>more than a month.</i>		

Witness my hand this *sixth* day of *May*, 1837,

(Signed) *James Smith.*

[The italics in this schedule to be filled up as the case may be.]

By 3 and 4 Vict. c. 72, intituled "An act to provide for the solemnization of marriages in the districts in or near which the parties reside," After reciting the acts of 4 Geo. IV. c. 76, 6 and 7 Will. IV. c. 85, and 7 Will. IV., and 1 Vict. c. 22, and that it was expedient to restrain marriages under the said act of his then late Majesty (*i. e.* 6 and 7 Will. IV. c. 85) from being solemnized out of the district in which one of the parties dwells, unless either of the said parties dwells in a district within which there is not any registered building, wherein marriages is solemnized according to the ceremony the parties see fit to adopt, it is by Sect. 5 enacted, that notwithstanding anything in this act or in the said recited acts or either of them contained, the Society of Friends, commonly called Quakers, and also persons professing the Jewish religion, may lawfully continue to contract and solemnize marriage according to the usages of the said society, and of the said persons respectively, after notice for that purpose duly given, and certificate or certificates duly issued, pursuant to the provision of the said recited act of his late Majesty, notwithstanding the building or place wherein such marriage may be contracted or solemnized be not situate within the district or either of the districts (as the case may be,) in which the parties shall respectively dwell.

3 & 4 Vict.
c. 72.

Provision as
to marriages
of members of
the Society of
Friends and
Jews in build-
ings not within
the districts
in which they
dwell.

solemnized before
certain dates
declared
valid.

solemnized before certain periods, and that doubts had been entertained as to the validity of marriages amongst the people called Quakers amongst persons professing the Jewish religion solemnized in *England* before the first day of January 1837, or in Ireland before the first day of January 1845, according to the usages of those denominations respectively, and that it was expedient to remove to such doubts, it is declared and enacted that marriages so solemnized as aforesaid were good in law to all intents and purposes which might lawfully be required, provided that the parties to such marriages were both Quakers, or both persons professing the Jewish religion respectively.

REGISTERS.

By 6 and 7 Will. IV. c. 86, intituled "An act for 6 & 7 Will IV.
registering births, deaths, and marriages in *England*," c. 86.

it is by Sect. 20 enacted, that the father or mother Parent or occupier of
of every child born in *England* after the first day of house re-
March, 1837, (*altered by 7 Will. IV. c. 1, to the* quired to give
last day of June,) or in case of the death, illness, particulars of
absence, or inability of the father and mother, the birth so far
occupier of the house or tenement in which such as known.
child shall have been born, shall, within forty-two
days next after the day of every such birth, give in-
formation, upon being requested so to do, to the
Registrar of the District, according to the best of his
or her knowledge and belief, of the several particu-
lars hereby required to be known and registered
touching the birth of such child.

Sect. 21 enacts, That if any child of an *English* Registry of
parent shall be born at sea on board of a *British* children born
vessel, the captain or commanding officer of the at sea.
vessel on board of which the said child shall have
been born, shall forthwith make a minute of the
several particulars hereinbefore required to be in-
serted in the register touching the birth of such
child, so far as the same may be known, and the

shall, on the arrival of such vessel in any
United Kingdom, or by any other person, send a certificate of the said minute through
office to the Registrar General, who shall
same, and enter a copy thereof under a
book to be kept for that purpose in the
Register Office," to be called the "Maternal
Book," and shall keep the said book with
registers, according to the provisions of

As to registry
after expira-
tion of 42 days
from birth of
child.

Sect. 22 enacts, That after the expiration of two days following the day of the birth of a child, shall not be lawful for any Registrar to register the birth of such child, save as hereinafter is next mentioned; that, in case the birth of any child shall not have been registered according to the provisions of the Act before contained, it shall be lawful for the Registrar to be present at the birth of such child, or for some person or guardian thereof, at any time within the first twelve months next after the birth, to make a declaration of the particulars required to be registered touching the birth of such child, according to the best of his or her knowledge and belief, thereupon to be lawful for the said Registrar to register the birth of the said child.

to the information of the person making the said declaration ; and in every such case the Superintendent Registrar before whom the said declaration is made shall sign the entry of the birth as well as the Registrar, and for every such registry as last ^{Fees.} aforesaid the Superintendent Registrar shall be entitled to have a fee of two shillings and sixpence from the person requiring the same to be registered ; and the Registrar, over and above the fee hereinafter enacted in respect of every birth registered by him, shall be entitled, unless the delay shall have been occasioned by his default, to have a fee of five-shillings from the person requiring the same to be registered ; and no Register of births shall be given in evidence to prove the birth of any child wherein it shall appear that forty-two days have intervened between the day of the birth and the day of the registration of the birth of such child, unless the entry shall be signed by the Superintendent ^{Penalty.} Registrar ; and every person who shall knowingly register or cause to be registered the birth of any child, otherwise than hereinbefore is last mentioned, after the expiration of forty-two days following the day of the birth of such child, shall forfeit and pay for every such offence a sum not exceeding £50.

Sect. 23 enacts, That after the expiration of six ^{Births not to be registered}

Penalty.

shall not be lawful for any registrar to
birth of such child, and no register of
in the case of children born at sea, shall
evidence to prove the birth of any child
shall appear that six calendar months
vened between the day of the birth and
the registration of the birth of such child
person who shall knowingly register or
registered the birth of any child after the
of six calendar months following the
birth of such child, shall forfeit and pay
such offence a sum not exceeding £50.

Some person
present at
death, in at-
tendance, or
occupier of
house, to give
particulars of
death, so far
as known.

Sect. 25 enacts, That some person pre-
death, or in attendance during the last
every person dying in *England* after the
day of *March*, (*altered by 7 Will. IV. c. 1*
day of June,) or in case of the death, i
ability, or default, of all such persons, the
the house or tenement, or if the occupier b
son who shall have died, some inmate of
or tenement in which such death shall
pened, shall, within eight days next after t
such death, give information, upon being
so to do, to the said Registrar, according to
of his or her knowledge and belief, of th

particulars by this act required to be known and registered touching the death of such person: **Pro-** Registrar to make entry of finding of jury upon inquests.
 vided always, that in every case in which an inquest shall be held on any dead body the Jury shall inquire of the particulars herein required to be registered concerning the death, and the Coroner shall inform the Registrar of the finding of the Jury, and the Registrar shall make the entry accordingly.

Sect. 26 enacts, That if any of his Majesty's **Registry of persons dying at sea.**
English subjects shall die at sea on board of a *British* vessel, the captain or commanding officer of the vessel on board of which such death shall have happened shall forthwith make a minute of the several particulars hereinbefore required to be inserted in the register touching such death, so far as the same may be known, and the name of the vessel wherein the death took place, and shall on the arrival of such vessel in any port of the United Kingdom, or by any other sooner opportunity, send a certificate of the said minute through the post office to the Registrar General, who shall file the same, and enter a copy thereof under his hand in the Marine Register Book, and keep the same with the other registers, according to the provisions of this act.

case of registry upon registering any death, or as soon as the registry of deaths to undertaker, as he shall be required so to do, shall, with

fee or reward, deliver to the undertaker or other person having charge of the funeral a certificate under his hand, according to the form of Schedule (E) to this act annexed, that such death has been duly registered, and such certificate shall be delivered by such undertaker or other person to the minister or officiating person who shall be required to bury or to perform any religious service for the burial of the dead body, and if any dead body shall be buried for which no such certificate shall have been so delivered, the person who shall bury or perform any funeral or any religious service for the burial shall forthwith give notice thereof to the Registrar. Provided always, that the Coroner, upon holding an inquest, may order the body to be buried, if he thinks fit, before registry of the death, and shall in such case give a certificate of his order in writing under his hand, according to the form of Schedule (F) to this act annexed, to such undertaker or other person having charge of the funeral, which shall be delivered as aforesaid; and every person who shall bury or perform any funeral or any religious service for the burial of any dead body for which no certificate shall have been duly made

Coroner may order body to be buried, and give certificate.

Penalty on burying dead body without certificate of registry.

delivered as aforesaid, either by the Registrar or Coroner, and who shall not within seven days give notice thereof to the Registrar, shall forfeit and pay any sum not exceeding £10 for every such offence.

Sect. 28 enacts, That every person by whom the information contained in any register of birth or death under this act shall have been given shall sign his name, description, and place of abode in the register ; and no register of birth or death according to this act shall be given in evidence which shall not be signed by some person professing to be the informant, and to be such party as is by this act required to give such information to the Registrar.

Register to be signed by the informant.

Sect. 30 enacts, That the Registrar General shall furnish or cause to be furnished to the rector, vicar, or curate of every church and chapel in *England* wherein marriages may lawfully be solemnized, and also to every person whom the Recording Clerk of the Society of Friends commonly called *Quakers*, at their central office in *London*, shall from time to time certify in writing under his hand to the Registrar General to be a Registering Officer in *England* of the said Society, and also to every person whom the President for the time being of the *London* committee of deputies of the *British Jews* shall from time to time

Marriage register books to be furnished

to every registering officer of marriages of Friends, &c.

BOOKS, and forms for certain copies the
Cost of books. inafter provided; and the cost of all
and forms shall be paid by the church
overseers of the parish or chapelry out of
in their hands as such churchwardens and
or by the registering officer or secretary
to whom the same shall be furnished.

Marriage registers to be kept in duplicate.

Sect. 31 enacts, That every clergyman of the church of *England*, immediately after every matrimony solemnized by him, shall cause to be duplicate in two of the Marriage Register Books several particulars relating to that marriage according to the form of the said Schedule (C); and every such Registering Officer of the Quakers, and every Minister of the Gospel, who may be after the solemnization of a marriage between two Quakers in the district in which he is Registering Officer, and every Secretary of a Synagogue, immediately after every marriage solemnized between any two persons professing the Jewish religion, of whom the husband shall be registered to the Synagogue whereof he is Secretary, shall cause to be registered in duplicate

of the said benediction (C); and every such Registering Officer or Secretary, whether he shall or shall not be present at such marriage, shall satisfy himself that the proceedings in relation thereto have been conformable to the usages of the said society, or of persons professing the Jewish religion, as the case may be; and every such entry as hereinbefore is required (whether made by such clergyman or by Registering Officer or Secretary respectively as aforesaid,) shall be signed by the clergyman or by the Registering Officer or Secretary, as the case may be, and by the parties married, and by two witnesses, and shall be made in order from the beginning to the end of each Book, and the number of the page of entry in each Duplicate Marriage Book shall be the same.

And he enacts, That the rector, vicar, or curate of every church and chapel, and every such Registering Officer and Secretary, shall, in the months of *July, October, and January* respectively, deliver to the Superintendent Registrar of the district in which such church or chapel may be situated, such copies as may be assigned by the Registrar to such Registering Officer or Secretary, on

Duplicates
and certified
copies of re-
gisters of
marriages to
be sent to Su-
perintendent
Registrar.

Book kept by him since the last certificate of such certificates to be given in the month of *October*,) and to contain all the entries in that time, and if there shall have been none entered therein since the last certificate, shall be the fact under his hand, and shall keep Marriage Register Books safely until they shall be filled; and one copy of every such Register when filled, shall be delivered to the Super Registrar of the District in which such chapel may be situated, or which shall be assigned as aforesaid to such Registering Clerk and Secretary, and the other copy of every such Book kept by any such rector, vicar, or curate shall remain in the keeping of such rector, vicar, or curate, and shall be kept by him with the Registers of Births, Deaths, and Burials of the parish or chapelry in which the marriages registered therein shall have been solemnized; and the other copy of every Register Book of marriages among the people called *Quakers*, and among persons professing the Unitarian religion respectively, shall remain under the custody of the said people or persons respectively, together with their other Registers and Records, and shall

Custody of registers when filled.

the purposes of this act, be still deemed to be in the keeping of the Registering Officer or Secretary for the time being respectively.

Sect. 35 enacts, That every rector, vicar, or curate, and every Registrar, Registering Officer and Secretary, who shall have the keeping for the time being of any register book of births, deaths, or marriages, shall at all reasonable times allow searches to be made of any register book in his keeping, and shall give a copy certified under his hand of any entry or entries in the same, on payment of the fee hereinafter mentioned; (that is to say,) for every search Searches may be made, and certificates given by the persons keeping the registers. Fee. extending over a period not more than one year, the sum of one shilling, and sixpence additional for every additional year, and the sum of two shillings and sixpence for every single certificate.

Sect. 36 enacts, That every Superintendent Registrar shall cause Indexes of the register books in his office to be made, and kept with the other Records of his office; and that every person shall be entitled Indexes to be made at the Superintendent Registrar's office, and persons allowed to search them. at all reasonable hours to search the said Indexes, and to have a certified copy of any entry or entries in the said register books under the hand of the Superintendent Registrar, on payment of the fees hereinafter mentioned (that is to say,) for every Fees.

for every such certified copy the sum of
and sixpence.

Indexes to be
kept at ge-
neral register
office, searches
allowed, and
certified co-
pies given.

Sect. 37 enacts, That the Registrar C
cause Indexes of all the said certified c
registers to be made and kept in the gen
office; and that every person shall be
payment of the fees hereinafter mention
the said Indexes between the hours of
morning and four in the afternoon of
except *Sundays, Christmas-day, and G*
and to have a certified copy of any
the said certified copies of the registe
every general search of the said Index
paid the sum of twenty shillings, and for
ticular search the sum of one shilling, an
such certified copy the sum of two shillin
pence, and no more shall be paid to the
General or such other officer as shall be
for that purpose on his account.

Penalty for
wilfully giving
false informa-
tion.

Sect. 41 enacts, That every person who
fully make or cause to be made, for the
being inserted in any register of birth,
marriage, any false statement touching a

particulars herein required to be known and registered, shall be subject to the same pains and penalties as if he were guilty of perjury.

Sect. 42 enacts, That every person who shall refuse or without reasonable cause omit to register any marriage solemnized by him, or which he ought to register, and every Registrar who shall refuse or without reasonable cause omit to register any birth or death, of which he shall have had due notice as aforesaid, and every person having the custody of any register book, or certified copy thereof or of any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding £50 for every such offence.

Penalty for not duly registering births, deaths, and marriages, or for losing or injuring the registers.

Sect. 43 enacts, That every person who shall wilfully destroy or injure, or cause to be destroyed or injured any such register book, or any part or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such register book or certified copy thereof, or shall wilfully insert or cause to be inserted in any register book or certified copy thereof any false entry of any birth, death, or marriage, or shall wilfully give any false certificate, or

Penalty for destroying or falsifying register books.

false in any part thereof, or shall forge
feit the seal of the register office, shall
felony.

Accidental
errors may be
corrected.

Sect. 44 enacts, That no person charged
duty of registering any birth, death, or
who shall discover any error to have
mitted in the form or substance of any
shall be therefore liable to any of the
aforesaid, if within one calendar month
the discovery of such error, in the presence
parents of the child whose birth may have
registered, or of the parties married, or
persons attending upon any person in his
illness whose death may have been so registered
in case of the death or absence of the
parties aforesaid, then in the presence of
intendent Registrar and of two other credentialed
nesses who shall respectively attest the
shall correct the erroneous entry according to the
truth of the case, by entry in the margin of
any alteration of the original entry, and
the marginal entry, and add thereunto the
the month and year when such correction
made: Provided also, that in the case

Proviso.

ase shall make the like alteration in the
opy of the register book to be made by
foresaid, or in case such certified copy
e been already made, provided he shall
deliver in like manner a separate cer-
y of the original erroneous entry, and of
ial correction therein made.

Will. IV. and 1 Vict. c. 22, intituled "An 7 Will. IV. &
plain and amend two acts passed in the 1 Vict. c. 22.
n of Parliament, for marriages, and for
g Births, Deaths, and Marriages, in *Eng-* Penalty for
s by Sect. 28 enacted, That every person neglecting to
the provisions of the said acts or either send certified
as amended by this act, is required to copies of re-
deliver to any Superintendent Registrar gister book.
copy of the entries of any births, deaths,
ges registered by him, or the certificate
y the said acts as amended by this act,
e have been no entries since the last
and who after being duly required to
ch certified copy, or such certificate as
shall refuse or during one calendar month
o to do, shall be liable for every such



10 Geo. IV.
c. 24.

By 10 Geo. IV. c. 24, intituled " An act to the commissioners for the reduction of the N Debt to grant life annuities and annuities for of years," After providing for the evidence should be adduced in support of claim for a q Annuity on the death of any nominee or no

Certificates of
burials of
Friends, &c.

it is by Section 28 enacted, That it shall be for the proper officer of the said commission the reduction of the National Debt, and he is authorized, empowered and required, to receive extracts or copies from the registers of the So Friends commonly called *Quakers*, or from the registers of any Dissenting or Roman Catholic Church or other chapel not being parochial, as evidence of the death or burial of any nominee or nominee provided that such extracts or copies shall be duly certified under the hand of the Registrar or the keeper of such registers; and that such certificates, shall be accompanied by an affidavit of the identity of such nominee or nominees, made and taken by and before such and the proper person and persons as is required by this act on the death of any nominee.

Proviso.

ts of Justice to admit Non-Parochial Records evidence of Births or Baptisms, Deaths or and Marriages," after reciting the appointment of certain Commissioners for inquiring into the custody, and authenticity of any registers or of births or baptisms, deaths or burials, and lawfully solemnized, as had been kept in England and Wales other than the parochial registers, the copies thereof deposited with the Registrars, and for inquiring whether any measures could be beneficially adopted for and arranging and depositing such registers, and for considering and advising the measures to be adopted for giving full force as evidence in all courts of justice to all registers as were found accurate and faithful, facilitating the production and reception of

And that there were then about seven registers in the custody of the said Commissioners which by their report to her Majesty they recommended to be kept together in some secure deposit, and to be deemed to be in legal and to be receivable in evidence in all justice, subject to certain conditions and



the Registrar
General.

posit in the general register office, all the
and records of births, baptisms, deaths, buri
marriages then in the custody of the Commi
appointed as aforesaid, and which they had
said report recommended to be kept in some
place of deposit, and also the several other r
and records therein referred to.

Declaratory
provisions as
to the general
register office.

Sect. 3 enacts, That every office or place
any registers or records which by this or an
act are directed to be in the custody of the R
General shall be deposited by direction of the
trar General, with the approval of the Lord
Treasurer, or three or more Commissioners o
Majesty's Treasury, shall be deemed to be a
or part of the general register office, so long
registers or records shall remain therein, an
execution of this act shall be deemed to be a
the business of the general register office.

Commission-
ers to identify
the registers
deposited.

Sect. 4 enacts, That the said commissioner
from time to time deliver to the Registrar Gen
descriptive list or lists of all the registers and
now in their custody, and also of all the re

and records which shall be certified as fit to be placed with the other registers and records in the general register office, containing such particulars, and referring to the registers and records in such manner, as in the opinion of the Registrar General shall be sufficient to identify every such register and record ; and three or more of the said Commissioners, (of whom the Registrar General shall not be one,) shall certify under their hands, upon some part of every separate book or volume containing any such register or record, that it is one of the registers or records deposited in the general register office pursuant to this act, and in every case in which the Commissioners shall certify to the Registrar General as aforesaid that certain parts only of such registers or records appear to them to be original or authentic, the Commissioners shall refer in the descriptive list or lists, and also in the certificate upon such book or volume, to those parts, in such manner as to identify them to the satisfaction of the Registrar General.

Sect. 5 enacts, That the Registrar General shall ^{Lists to be made} cause lists to be made of all the registers and records which may be placed in his custody by virtue of this act ; and every person shall be entitled, on ^{which shall be open to search ;} payment of the fees hereinafter mentioned, to search

and certified
extracts had
therefrom.

Fee.

Registers
deemed in
legal custody,
and shall be
receivable in
evidence.

Production of
registers.

and four in the afternoon of every day, except
Sunday and *Christmas Day* and *Good Friday*,
subject to such regulations as may be made from
time to time by the Registrar General, with the
sanction of one of Her Majesty's Principal Secretaries
of State, and to have a certified extract of
any entry in the said registers or records, and for every
such extract in any such register or record shall be paid
the sum of one shilling; and for every such certified
extract the sum of two shillings and sixpence, and

Sect. 6 enacts, That all registers and records
deposited in the general register office by
virtue of this act, except the registers and records of
baptisms and marriages at the *Fleet and King's Bench*
Prison, at *May Fair*, at the *Mint* in *Southwark*, and
at *St. Dunstons*, which were deposited in the registers
of the Bishop of *London* in the year 1821, as he
was then mentioned, shall be deemed to be in legal
custody, and shall be receivable in evidence in all
courts of law and equity, and in all courts of
justice, subject to the provisions hereinafter
contained; and the Registrar General shall
cause to be produced any such register or
record on subpœna or order of any competent court or
judge, and on payment of a reasonable sum, to be

the court shall direct, and to be paid to the Registrar General, on account of the loss of time of the officer by whom such register or record shall be produced, and to enable the Registrar General to defray the travelling and other expenses of such officer.

By the subsequent Sections of the act, provision is made as to the authentication of extracts from these registers, and for regulating the practice in reference to the production of the originals or the extracts, according to circumstances, in legal and other proceedings.

It may be proper to state that, under this act, the whole of the registers of births, marriages and burials in the Society of Friends in England and Wales, from the rise of the Society to the period of the establishment of the Civil Registry in 1837, were (with the exception of a very few register books which were not discovered in time) surrendered to the government by the respective Meetings to which they belonged, and are now in the custody of the Registrar General.

registering and securing of charitable donations.
Exemption. is, by Sect. 12, provided, that nothing in
act contained, shall extend to any charity
dation or donation which shall have been
be given to and for the benefit of any persons
of the society of people called Quakers
which shall be under the superintendence
and control of persons of that persuasion.

58 Geo. III.
c. 91.

By an act of the 58 Geo. III. c. 91,
"An act for appointing Commissioners
concerning charities in England for the education
the poor," it is provided, (Sect. 12) that
Exemption. shall not extend to any funds applicable to
poses of education, for the benefit of any person
of the Jewish persuasion, or the people called
Quakers or person or persons of the Roman Catholic
persuasion, and which shall be under the superintendence
and control of persons of such persuasion
respectively.*

* It may be proper to observe that the exemption in the
subsequent acts, was unsought for by the Society.

By an act 59 Geo. III. c. 81, intituled "An act ^{59 Geo. III. c. 81.} to amend an act of the last session of Parliament, for appointing Commissioners to enquire concerning charities in England for the education of the poor, and to extend the powers thereof to other charities in England and Wales; to continue in force until the first day of August, 1823, and from thence until the end of the then next session of Parliament," Sect. 7 provides, that the act, or any of the provi- ^{Exception.} sions therein contained, shall not extend, or be construed to extend, to any funds applicable to the benefit of any persons of the Jewish persuasion, or of the people called Quakers, or of persons of the Roman Catholic persuasion, and which shall be under the superintendence and control of persons of such persuasions respectively.

The powers of the Commissioners under these ^{5 Geo. IV. c. 58; 10 Geo. IV. c. 57; 1 and 2 Will. IV. c. 34; 5 and 6 Will. IV. c. 71.} acts were from time to time continued by 5 Geo. IV. c. 58, 10 Geo. IV. c. 57, 1 and 2 Will. IV. c. 34, and 5 and 6 Will. IV. c. 71, which contained similar exceptions to those already set out, and the last-mentioned act contained in addition the following exception, Sect. 17, That this act or any of the provisions therein contained shall not extend or be construed to extend to any institution established, or society for charitable purposes, wholly or principally ^{Act not to extend to charities chiefly supported by voluntary contributions.}

except as to
management,
&c. of rents
for 20 years.

of or by voluntary subscribers thereto ; a
application of any donation or bequest to
purposes of any such institution, establ
society, in aid of such voluntary contributi
not be subject to the examination or int
the commissioners appointed under this
vided always that the management and
of the rents and profits of any lands, ten
hereditaments belonging to such institu
lishment, or society for the period of twen
upwards before the passing of this act, i
such cases be subject to the examination o
Commissioners at their discretion.

By 9 Geo. II.
c. 36.

By 9 Geo. II. c. 36, intituled " An act
the disposition of lands, whereby the same
unalienable," after reciting that gifts or
of lands, tenements or hereditaments, in
were prohibited or restrained by Magna C
divers other wholesome laws, as prejudic
against the common utility ; and that ne
this public mischief had of late greatly inc
many large and improvident alienations o
tions made by languishing or dying pers

other persons, to uses called charitable uses, to take place after their deaths, to the disherison of their lawful heirs; it was enacted, that from and after the twenty-fourth day of *June*, 1736, no manors, lands, tenements, rents, advowsons or other hereditaments, corporeal or incorporeal whatsoever, nor any sum or sums of money, goods, chattels, stocks in the public funds, securities for money, or any other personal estate whatsoever, to be laid out or disposed of in the purchase of any lands, tenements or hereditaments, shall be given, granted, aliened, limited, released, transferred, assigned or appointed, or any ways conveyed or settled to or upon any person or persons, bodies politic or corporate or otherwise, for any estate or interest whatsoever, or any ways charged or incumbered by any person or persons whatsoever, in trust, or for the benefit of any charitable uses whatsoever; unless such gift, conveyance, appointment or settlement of any such lands, tenements or hereditaments, sum or sums of money, or personal estate (other than stocks in the public funds) be and be made by deed indented, sealed and delivered in the presence of two or more credible witnesses twelve calendar months at least before the death of such donor or grantor (including the days of the execution and death) and be inrolled in His Majesty's High Court of Chancery, within six

After 24th
June, 1736, no
Manors, &c.
nor money to
be laid out in
lands, &c. to
be given for
charitable
uses, unless
by deed exe-
cuted with
certain for-
malities.

donor or grantor (including the days of
and death) and unless the same be made t
in possession for the charitable use inter
diately from the making thereof, and be
power of revocation, reservation, trust,
limitation, clause or agreement whatsoe
benefit of the donor or grantor, or of an
persons claiming under him.

Purchases or
transfers for
valuable con-
siderations
not affected
by death of
grantor.

Sect. 2 enacts, That nothing hereinb
tioned relating to the sealing and delive
deed or deeds twelve calendar months at
the death of the grantor, or to the trans
stock six calendar months before the de
grantor or person making such transfer, sh
or be construed to extend, to any purcha
estate or interest in lands, tenements o
ments, or any transfer of any stock, to
really and *bona fide* for a full and valuable
tion actually paid at or before the making
veyance or transfer without fraud or collus

Gifts, &c.
made after 24
June, 1736,

Sect. 3 enacts, That all gifts, grants, cor

appointments, assurances, transfers, and settlements whatsoever, of any lands, tenements, or other hereditaments, or of any estate or interest therein, or of any charge or incumbrance affecting or to affect any lands, tenements, or hereditaments, or of any stock, money, goods, chattels, or other personal estate, or securities for money to be laid out or disposed of in the purchase of any lands, tenements or hereditaments, or of any estate or interest therein, or of any charge or incumbrance affecting or to affect the same, to or in trust for any charitable uses whatsoever, which shall at any time from and after the said twenty-fourth day of June 1736, be made in any other manner or form than by this act is directed and appointed, shall be absolutely, to all intents and purposes, null and void.

By 9 Geo. IV. c. 85, intituled "An act for remedying a defect in the titles of lands purchased for charitable purposes," after reciting the act of 9 Geo. II. c. 36, and reciting that the said provision contained in the said recited act, in relation to the purchase of any estate or interest in lands, tenements, or hereditaments, for a full and valuable consideration, was only intended to prevent such purchases from being avoided by reason of the death of the grantor within twelve calendar months after the

otherwise
than directed
by this act to
be absolutely
void.

9 Geo. IV.
c. 85.

to exempt such purchases from the operation of said act, and that in consequence thereof the formalities by the said act prescribed, in relation to the conveyance of hereditaments to charitable uses, in divers instances been omitted on purchase for full and valuable consideration, and that in consequence of such omission the title to such hereditaments might be considered defective; it is enacted that where any lands, tenements, or hereditaments

Deeds relating to purchase of lands for charitable purposes to be valid, although the formalities prescribed by the recited act have not been duly performed.

estate or interest therein, have or has been purchased for a full and valuable consideration, or for the benefit of any charitable uses, and such full and valuable consideration has actually been paid for the same, every deed or conveyance already made for the purpose of conveying and assuring such lands, tenements, or hereditaments, or estate or interest as aforesaid, in trust for the benefit of such charitable uses, (if made in full effect in possession, for the charitable uses,) shall have effect immediately from the making thereof, and shall not be subject to any power of revocation, reservation, condition, limitation, clause, or agreement whatsoever, for the benefit of the grantor, or of any

persons claiming under him,) shall be as good and valid, and of the same effect, both for establishing derivative titles, and in all other respects, as if the several formalities by the said act prescribed had been duly observed and performed.

Sect. 2 enacts, That nothing in this act contained shall extend to give effect to any deed or other assurance heretofore made, so far as the same has been already avoided by suit at law or in equity, or by any other legal or equitable means whatsoever, or to affect or prejudice any suit at law or in equity actually commenced for avoiding any such deed or other assurance, or for defeating the charitable uses in trust or for the benefit of which such deed or other assurance may have been made.

Act not to extend to deeds avoided by suits at law.

Sect. 3 enacts, That nothing herein contained shall be construed to dispense with any of the said several formalities prescribed by the said recited act, in relation to any deed or other assurance which shall be made after the passing of this present act.*

Not to dispense with prescribed formalities in future.

* See note ante page 23.

fically exempts Friends from liability to serve
office of Church Warden, yet it has been decided
the Archdeaconry Court of London that they are
compellable to serve or liable to any fine for refusal.
Adey v. Theobald, 1 Curtis, Eccles: rep. 447.

MISCELLANEOUS.

Discipline or Church Government.

THE Rules of the Discipline or Church Government of the Society of Friends are clearly recognized and allowed by the laws of England, as appears in the case of their marriages: so also in the case of *Rex v Francis Hart*, on an indictment for a libel, the rules of their discipline were recognized by the judges, who refused to grant an information for a libel, for which, application was made to them, founded on an act of the Society in the course of their disciplinary proceedings, and afterwards, when the defendant was found *guilty*, on an indictment, the court granted a *rule absolute* for a new trial on the first application. The prosecutrix, Mary Jerom, was educated among Friends, at the Town of Nottingham; her parents who lived there, being of that persuasion. She having acted in disobedience to the rules, the usual means by visiting and admonishing, were taken by the Society, but they proving ineffectual, and she absenting herself from the meetings and declaring that she did not look upon herself as one of the body, the Society proceeded in their usual manner to the sentence of expulsion, which was reduced into writing, approved by the Monthly

clerk of the meeting, at the close of the
worship at Nottingham, in 1761.

The prosecutrix being acquainted with the proceedings, sent her maid servant to the clerk to get a copy of the sentence : who transcribed it, and enclosed it in a cover, directed to Mary J. being thus possessed of it, annexed to it, and applied to the Court of King's Bench for a writ of prohibition for a libel. But the court refused the motion, and refused to grant a rule to stop the proceedings. She afterwards, on the 12th of March, presented a bill of indictment against the defendant for a libel, before the grand jury at the assize for the County of Nottingham; which bill was returned by them, was afterwards removed by writ into the King's Bench. And the defendant pleaded *not guilty*, it was tried before Justice G. at the Summer assizes at Nottingham, 1762. The evidence on the part of the prosecutrix was, the prosecutrix and her servant maid vouched for the paper; and the evidence of the publication of it as a libel, was, the direction of it to the prosecutrix, and the defendant's acknowledgment by his servant that he read it at the meeting. The defendant's counsel called no witnesses; being of

be disabled by the statute 7 and 8 Will. III. 34,* from being witnesses on a criminal prosecution; and being restrained from arguing that the error in question was no libel, by the judge, who held that such a question was more proper to be determined by the court above, could only insist, that the evidence on the part of the prosecution was sufficient to maintain the indictment. The judge left the case, with its circumstances, to the jury, but rather recommended it to them to acquit the defendant. The jury, after withdrawing about twelve hours, found the defendant *guilty*.

At the Michaelmas Term following, counsel moved the Court of King's Bench for a new trial; and after stating the above mentioned facts, and observing that the circumstances of hardship which would attend the case on a motion in arrest of judgment, and that no facts could be relied on but what appeared on the record, and after a verdict, it might be presumed that a malicious intention to defame the plaintiff (which was charged in the indictment) was proved, insisted, that the leaving such a case as

is disability was removed by the 9 Geo. IV. c. 32, Ante,

The court was clearly of opinion, that the court should have been directed to acquit the defendant, and, as notice of the motion was given, and the defendant appeared for the prosecution, who did not dispute the abovementioned facts, the court said that it would not do so much credit to such a prosecution as to grant a rule to show cause; and they ordered the verdict to be set aside on the first motion.
Ecc. Law, vol. 2, p. 199.

On the non-observance of days of publication and thanksgiving, and of those called Good Friday and Christmas-day.

It is well known that the Society of Friends have an objection, founded as they believe on religious principles, to the observance of any religious days or Festivals, and that the consistent members of the Society are in the practice of pursuing their ordinary business on these, as on other days, and keeping their shops open. And on one of these festivals (Christmas-day) the mayor of a county town ordered

stable to close the shutters of three shops belonging to Friends, and intimated that the like [course] would be taken in future, also that it was intended to levy a fine for noncompliance on the part of the Friends with the desire or injunction of the magistrates on this head. On this occasion the opinion of Serj^t Lens was taken, whether such procedure, or the levying of a fine in such case, could be supported by the Common or Statute Law, or even by the Canon Law of England, and his opinion was, That the mayor could not justify shutting up forcibly and against the owner's will, such shops as might not be closed on Christmas day. That he had not been able to find any statute which inflicted a penalty for not duly observing Christmas-day, and that no fine imposed by the magistrates for such purpose, could in itself be effectual: That he was not aware that indictment at Common Law had ever been maintained in such a case, or that the Ecclesiastical Court had ever entertained any complaint against Quakers not acting contumaciously, but from a regard to their own religious notions.

which have been passed by the Legislature. Principally of late years, for erecting chapels, places of worship, collecting certain rates, and other objects, provisions have been introduced exempting Friends from the offices of churchwardens, collectors, &c. The titles of many of these bills, with the nature of the exemption referred to, are here subjoined: which besides rendering the compilation more complete may have the effect of inducing Friends in different parts of the country, when any bills for purposes of a similar description are introduced in their own vicinity, are about to be introduced into Parliament, wherein such clauses of exemption can with propriety be introduced, to make application to the solicitors of the bill, and to those who are likely to have influence on the occasion, that such provisions can often be much more readily obtained in the early stages of the business, when the form of the bill, and its several clauses are more settled.

...being collectors, &c. of Church and other ecclesiastical Rates.

23 Geo. II. c. xxxvi. intituled "An act for
giving a stipend upon the rector of the parish
of St. George the Martyr, in Southwark, and
his successors, in lieu of tithes;" *Quakers (so called)*
exempted from being collectors.

24 Geo. II. c. xv. intituled "An act to en-
franchise the parishioners of the parish called St. Mary,
St. Mary Abchurch, in the county of Middlesex, to rebuild the
church of the said parish;" *Quakers (so called) are*
exempted from being collectors.

26 Geo. II. c. xxxviii. intituled "An act to
enable the parishioners of the parish of Stone, in
the county of Stafford, to re-build the church of the
parish;" *Quakers (so called) are exempted*
from being collectors; and collectors are empowered
to take distress, by warrant from five trustees, on
those who refuse to pay the rates assessed by the act.

26 Geo. II. c. xciv. intituled "An act to
enable the owners of houses and lands in the parish

called St. Botolph, without Aldersgate, and the inhabitants thereof, to repair the church and steeple belonging to the said parish;" *Quakers (so called) are exempted from being collectors.*

14 Geo. III.
c. xii.

By 14 Geo. III. c. xii. intituled "An act for vesting a piece of waste ground, within the manor of Clapham, in the county of Surrey, in trustees, and for enabling them to build a parish church thereon;" *Quakers (so called) are exempted from being treasurers, clerks, collectors, or receivers.*

19 Geo. III.
c. lvii.

By 19 Geo. III. c. lvii. intituled "An act for the better providing a maintenance for the vicar of the parish of the Trinity, in the city of Coventry;" *Quakers (so called) are exempted from being assessors.*

44 Geo. III.
c. lxxxix.

By 44 Geo. III. c. lxxxix. intituled "An act for the relief of certain incumbents of livings in the city of London." Sect. 17. *Quakers (so called) are exempted from being collectors.*

47 Geo. III.
c. cxxxii.

By 47 Geo. III. c. cxxxii. intituled "An act for making better provision for the support and maintenance of the rector, for the time being, of the parish of St. George, the Martyr, Southwark, in the

county of Surrey." *By Sect. 3. Quakers (so called) are exempted from the office of collecting the rate or assessment, under this act.*

By 54 Geo. III. c. cxi. intituled "An act for ^{54 Geo. III. c. cxi.} building a new church within the town and parish of Liverpool, in the county Palatine of Lancaster." *Sect. 24. Quakers (so called) are exempted from being assessors or collectors.*

By 55 Geo. III. c. xlv. intituled "An act for ^{55 Geo. III. c. xlv.} taking down and re-building the parish church of St. Thomas, in the town of Dudley, in the county of Worcester." *Sect. 32. Quakers (so called) are exempted from being collectors.*

By 4 Geo. IV. c. cxviii. intituled "An act for ^{4 Geo. IV. c. cxviii.} extinguishing Tithes, &c. within the London or city liberty of St. Andrew Holborn, in the city of London." (*Local and personal,*) s.s. 1 and 2. *Friends are exempted from the office of commissioners under this act.*

By 5 Geo. IV. c. xxviii. (*Private act,*) intituled ^{5 Geo. IV. c. xxviii.} "An act to commute for a corn rent certain tithes and dues payable to the vicar of the parish of Lancaster, in the county of Lancaster." *Sect. 33.*

7 Geo. IV.
c. cxvi.

By 7 Geo. IV. c. cxvi. (*Local and p*
titled "An act for extinguishing tit
that part of the parish of St. Botolph wit
gate, which is situate in the City of I
Quakers (so called) are rendered ine
as commissioners, or to fill the office
clerk or collector.

7 & 8 Geo. IV.
c. xxi.

By 7 and 8 Geo. IV. c. xxi. (*Local as*
intituled "An act to commute for a c
tithes and dues payable to the rector c
of Grappenhall in the county Palatine
Sect. 33. Quakers (so called) are ex
being appointed tithe collectors.

10 Geo. IV.
c. xiv.

By 10 Geo. IV. c. xiv. (*Local and p*
titled "An act for extinguishing tith
ments in lieu of tithes, &c. &c. within
Halifax, in the county of York." *Sect*
is given to the vicar to distrain for mon
upon the churchwardens, but if suff
be not found with them he may sumn
than three nor more than twenty of the
who are in arrear, (not being of the p

the people called (Quakers) to pay the deficiency or to levy it by distraint upon them.

Sect. 14. Collectors of rates may be appointed from the householders, but Friends are exempted.

Sect. 21. Persons making distress, to render an account of expenses on demand in three days, under a penalty of £10.

By 4 and 5 Will. IV., c. xviii. intituled “An ^{4&5 Will. IV. c. xviii.} act to commute for a corn rent the tithes and dues payable to the rectors and vicar of the parish of Kendal, otherwise Kirby Kendal, in the county of Westmoreland.” *Sect. 45 Provides that for the due collection of the annual sum or sums in lieu of tithes and other dues, one or more occupiers of land &c. (not being one of the people called Quakers,) in each of the said townships, shall be appointed yearly to be tithe collectors.*

Acts wherein Friends are exempted from being Churchwardens, &c.

By 43 Geo. III. c. cxvii. intituled “An act for ^{43 Geo. III. c. cxvii.} erecting a new church to be called Christ Church, in the town of Birmingham, in the county of War-

*Sect. 17, Quakers (so called) are not
being churchwardens.*

45 Geo. III.
c. xlii.

By 45 Geo. III. c. xli. intituled “
enable his Majesty to grant part of h
allotment of the disafforested forest o
Needwood, in the county of Stafford, for
of a church, and the endowment of t
thereof, and for building and establishi
church.” *By Sect. 17, churchwardens o
the people called Quakers.*

45 Geo. III.
c. xlv.

By 45 Geo. III. c. xlv. intituled “
establishing a new church or chapel at l
the parish of Lanover, in the county of
*By Sect. 14, the church or chapelwarde
of the people called Quakers.*

45 Geo. III.
c. lxvi.

By 45 Geo. III. c. lxvi. intituled “
building a chapel in the hamlet of Redc
parish of Tardebigg, in the counties o
and Warwick.” *By Sect. 24, Chapelwar
be of the people called Quakers or Jews.*

48 Geo. III.
c. xcvi.

By 48 Geo. III. c. xcvi. intituled “

making more effectual provision for maintaining, regulating, and employing the poor of the parish of St. Luke, in the county of Middlesex." *By Sect. 20, Quakers (so called) are exempted from the office of churchwarden.*

By 51 Geo. III. c. lxxix. intituled "An act for ^{51 Geo. III. c. lxxix.} building and establishing a church or chapel of ease at Buxton, in the county of Derby." *By Sect. 10, Quakers (so called) exempted from the office of church or chapelwarden.*

By 57 Geo. III. c. xxxiv. intituled "An act for ^{57 Geo. III. c. xxxiv.} making the hamlet of Poplar and Blackwall, in the county of Middlesex, a separate and distinct parish; and for erecting a parish church therein, and other purposes relating thereto." *Sect. 44 contains a provision that Quakers (so called) shall not be eligible to the office of churchwarden in the new parish.*

It will be seen that all these Local Acts exempting Friends from the office of churchwarden, were passed before the decision of the archdeaconry court of London, in the case of *Adey v. Theobald*, vide ante page 166. It now appearing from that decision, that a special exemption is not requisite, there seems no sufficient reason for applying to have such a clause inserted in any future local act of this nature.

50 Geo. III.
c. xlv.

By 50 Geo. III. c. xlv. intituled “
better assessing and collecting the poor
rates in the parish of St. George the
the borough of Southwark, in the county
and regulating the poor thereof.” *In*
(Sect. 2,) respecting the compounding of
rates, it is provided, that the church
overseers of the poor, may compound with
people called Quakers for the poor rates

52 Geo. III.
c. lxxv.

By 52 Geo. III. c. lxxv. intituled “
amending and rendering more effectual
for better assessing and collecting the poor
rates of the parish of St. John of Watling
county of Middlesex ; and for more effect
widening, and improving the streets
places within and adjoining to the
In Sect. 5, which empowers the church
others to compound with the landlords of
&c. for parochial rates, authority is given
into such composition “ with any of the
Quakers for the poor rates and watch rates

in the parish of St. Giles, Ca
y of Surrey, and regulating th
pairing or re-building the pa
urchasing ground for a cemete
ses relating thereto." *In the*
ing to a composition with the lan
a certain rent, &c. for the
city is given to compound with
Quakers for the poor rates a

54 Geo. III. c. xliii. intitule
etter management and relief of
of Lewisham, in the county o
assessing and collecting the p
id parish." *In the clause (S*
omposition with the landlords
in rent, &c. for the parochial
compound is restricted from exten
people called Quakers, to "I
n rates."

55 Geo. III. c. xcvi. intitule
ng a new church, and also a w

act, it shall be lawful for the said trustees are hereby required, to compute and as proportion the whole of such rate is for of the building and completing the said and what proportion of the same is for of the building of the said workhouse, ing to such proportions, to fix and det part of the assessment on such Quaker or in respect of each of the said two the collector to be appointed as aforesaid upon make the demand upon such Qu two parts separately : provided alway part of such assessment may and shall by the same means, and under the sa and also may and shall be appealed a same manner, as the whole of such ass have been, if it had not been so divide

56 Geo. III.
c. v.

By 56 Geo. III. c. v. intituled “ A better assessing and collecting the I parochial rates in the parish of Mi county of Surrey.” *Sect. 1. In this*

be for the poor's rates only.

56 Geo. III. c. lvi. intituled "An act for ^{56 Geo. III. c. lvi.}
ing the church-yard of the parish of St. George
artyr, in Southwark, in the county of Surrey,
r other purposes relating thereto." Sect. 46.
*ns compounding for the poor rates shall be
l to compound for the rate or rates under the
t act, but with this provision, that any of the
called Quakers may claim to be considered as
unding for the poor rates only.*

58 Geo. III. c. xxii. intituled "An act for ^{58 Geo. III. c. xxii.}
ing the church-yard of the parish of Chipping
t, in the county of Hertford, and for other
ses relating thereto." By Sect. 53, it appears
*Quakers (so called) may compound for the poor's
vithout being considered as compounding for the
nder this act.*

*te—This must be the meaning, but the clause is
curately worded.*

1 and 2 Will. IV. c. iv. intituled "An act ^{1 & 2 Will. IV. c. iv.}
tting disputed rights respecting tithes within
arish of Ashton-under-Lyne, in the county

*in the year by the owners or occupiers of
and tenements chargeable with the said
and every such owner or occupier making
such payment on the day appointed, not
the people called Quakers, shall forfeit
sum of two shillings and sixpence in addition to
said respective yearly rents or sums.*

3 Will. IV.
c. xxxiii.

By 3 Will. IV. c. xxxiii. intituled
to alter and amend an act of the 53 Geo. III.
relating to assessing and collecting the poor rates and of
the parish of Saint Giles, Camberwell, in the County
of Surrey and regulating the affairs thereof for
other purposes relating thereto. (*Local and
Personal.*) Sect. 4 Relates to a composition for the
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parochial taxes, in which authority is given to
levy a pound with any of the people called Quakers
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See also Sect. 5 to the same purport.

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